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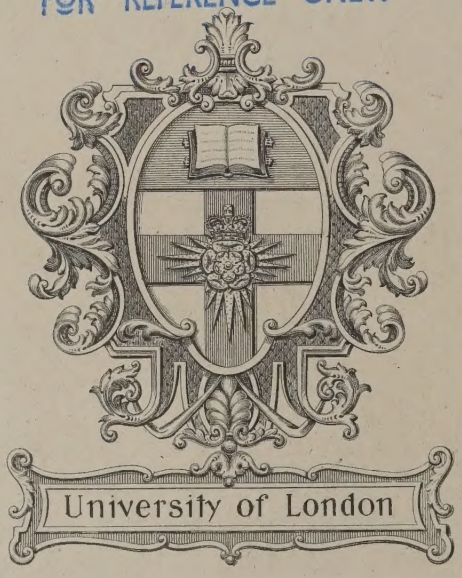

605259

REPORTS

FROM

COMMITTEES:

ELEVEN VOLUMES.

—*(6.)*—

LOCAL CHARGES UPON SHIPPING.

Session

31 *January* —— 29 *July* 1856.

VOL. XII.

1856.

REPORTS FROM COMMITTEES:

1856.

ELEVEN VOLUMES:—CONTENTS OF THE

SIXTH VOLUME.

N. B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

LOCAL CHARGES UPON SHIPPING:

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REPORT

FROM THE

SELECT COMMITTEE

ON

LOCAL CHARGES UPON SHIPPING;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
3 *July* 1856.

Veneris, 14° *die Martii*, 1856.

Ordered, THAT a Select Committee be appointed to inquire into and report to this House upon the several matters referred to the Commissioners appointed by Her Majesty to inquire into Local Charges upon Shipping in the Ports of the United Kingdom, and of the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark* and *Man*, and that the Report of the said Commissioners, presented to both Houses of Parliament by Command of Her Majesty, be referred to the said Committee.

Martis, 8° *die Aprilis*, 1856.

A Select Committee was nominated accordingly, as follows:

Mr. Lowe.	Mr. Bouverie.
Mr. Hardy.	Mr. Headlam.
Mr. Milner Gibson.	Mr. Cardwell.
Mr. Horsfall.	Sir John Duckworth.
Mr. Fenwick.	Mr. Duncan.
Sir Stafford Northcote.	Lord Hotham.
Mr. Cobden.	Mr. Moffatt.
Mr. Watson.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Jovis, 10° *die Aprilis*, 1856.

Ordered, THAT the following Petitions presented this day be referred to the Committee: From "Corporation of Liverpool," and "Masters and Pilots of Trinity House, Kingston-upon-Hull."

Veneris, 11° *die Aprilis*, 1856.

Ordered, THAT the Committee do consist of 17 Members; and that Mr. Vance and Mr. Beamish be added thereto.

Jovis, 3° *die Julii*, 1856.

Ordered, THAT the Committee have power to report the Minutes of Evidence taken before them to The House.

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REPORT.

THE SELECT COMMITTEE who were appointed to inquire into and to report to The House upon the several Matters referred to the Commissioners appointed by Her Majesty to inquire into Local Charges upon Shipping in the Ports of the *United Kingdom*, and of the Islands of *Jersey, Guernsey, Alderney, Sark* and *Man*:——

HAVE considered some of the matters to them referred, and have taken Evidence thereupon, which they have agreed to report to The House, without any expression of opinion.

3 *July* 1856.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 11° *die Aprilis*, 1856.

MEMBERS PRESENT:

Mr. Lowe.	Mr. Cardwell.
Mr. Moffatt.	Lord Hotham.
Mr. Duncan.	Sir John Duckworth.
Mr. Beamish.	Mr. Watson.
Mr. Fenwick.	Mr. Bouverie.
Mr. Hardy.	Mr. Milner Gibson.
Mr. Headlam.	

Mr. Lowe was called to the Chair.

The Committee deliberated on the course of proceeding.

Motion made (Mr. *Fenwick*), "That the Committee proceed in the first instance to the consideration of Passing Tolls." Question put.

Ayes, 5.	Noes, 8.
Mr. Horsfall.	Mr. Duncan.
Mr. Beamish.	Mr. Moffatt.
Mr. Headlam.	Mr. Cardwell.
Mr. Fenwick.	Mr. Bouverie.
Mr. Watson.	Mr. M. Gibson.
	Sir John Duckworth.
	Lord Hotham.
	Mr. Hardy.

Motion made, and question put, and agreed to (Lord *Hotham*), "That the Committee do first proceed to the consideration of the case of Liverpool."

[Adjourned to Thursday, at Twelve o'clock.

Veneris, 18° *die Aprilis*, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Mr. Watson.	Mr. Cardwell.
Lord Hotham.	Mr. Moffatt.
Mr. Hardy.	Mr. Duncan.
Mr. Vance.	Mr. Fenwick.
Sir John Duckworth.	Mr. Beamish.
Mr. Milner Gibson.	Mr. Horsfall.
Mr. Bouverie.	Sir Stafford Northcote.

Motion made, and question proposed (Mr. *Horsfall*), "That the mayor, aldermen, and burgesses of the borough of Liverpool having petitioned to be heard before this Committee by their counsel, agents, and witnesses, the Committee are of opinion that it is expedient that

that power should be given to the Committee to hear parties in accordance with the prayers of the said petition." Question put. The Committee divided:

Ayes, 7.	Noes, 7.
Mr. Watson.	Mr. Hardy.
Lord Hotham.	Mr. Milner Gibson.
Mr. Vance.	Mr. Bouverie.
Sir John Duckworth.	Mr. Cardwell.
Sir S. Northcote.	Mr. Moffatt.
Mr. Beamish.	Mr. Duncan.
Mr. Horsfall.	Mr. Fenwick.

The Chairman declared himself with the Noes.

Motion made, and question proposed (Mr. *Watson*), "That the mayor, aldermen, and burgesses of the borough of Kingston-upon-Hull, having petitioned to be heard before this Committee by their counsel, agents, and witnesses, the Committee are of opinion that it is expedient that power should be given to the Committee to hear parties in accordance with the prayer of the petition." Put, and negatived.

Motion made, and question proposed (Lord *Hotham*), "That the Corporation of the Trinity House of Kingston-upon-Hull having petitioned to be heard before this Committee by their counsel, agents, and witnesses, the Committee are of opinion that it is expedient that power should be given to the Committee to hear parties, in accordance with the prayers of the petition." Question put, and negatived.

The Committee then called and examined Mr. *Heron*, the town clerk of Manchester.

[Adjourned to Monday, at Twelve o'clock.

Lunæ, 21° *die Aprilis*, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Mr. Watson.	Mr. Duncan.
Lord Hotham.	Mr. Horsfall.
Mr. Hardy.	Sir John Duckworth.
Mr. Vance.	Mr. Bouverie.
Mr. Milner Gibson.	Mr. Cardwell.
Mr. Moffatt.	Mr. Fenwick.

The Committee resumed the examination of Mr. *Heron*.

In the course of the examination an objection was taken (Mr. *Watson*) to the witness reading extracts from a pamphlet purporting to be evidence given before a Committee of the House of Commons in a former year.

The room was cleared.

Motion made, and question proposed (Mr. *Watson*), "That the witness under examination be directed to confine himself to statements of facts, and not to comment or reason on matters proved or about to be proved by him." Question put. The Committee divided:

Ayes, 3.	Noes, 8.
Mr. Watson.	Mr. Vance.
Lord Hotham.	Mr. Milner Gibson.
Mr. Hardy.	Mr. Bouverie.
	Mr. Cardwell.
	Mr. Moffatt.
	Mr. Duncan.
	Mr. Fenwick.
	Mr. Horsfall.

Motion made, and question proposed (Mr. *Watson*), "That the witness be directed to confine himself to matters of fact, and not to put forth the statements of other persons." The Committee divided:

Ayes, 4.	Noes, 7.
Mr. Watson.	Mr. Hardy.
Lord Hotham.	Mr. Milner Gibson.
Mr. Vance.	Mr. Bouverie.
Mr. Horsfall.	Mr. Cardwell.
	Mr. Moffatt.
	Mr. Duncan.
	Mr. Fenwick.

Mr. *Heron* was recalled, and further examined.

[Adjourned to Thursday, at Twelve o'clock.

Jovis, 24° die Aprilis, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Lord Hotham.	Mr. Duncan.
Mr. Vance.	Mr. Fenwick.
Sir Stafford Northcote.	Mr. Horsfall.
Mr. Moffatt.	Mr. Beamish.

The Committee examined Mr. *Hollins*, Mr. *Rigby*, Mr. *Sinclair*, and Mr. *Henry Ashworth*.

During the examination of Mr. Ashworth, Mr. Ashworth having proposed to read a letter bearing upon the subject of this inquiry, and having declined to give the name of the writer, an objection was taken to the reception of the statement contained in the letter under such circumstances.

The room was cleared.

The Committee deliberated, and determined that neither the letter nor its contents could be received unless the Committee were placed in possession of the name of the writer.

Mr. Ashworth was called in, and informed thereof, and having declined to give the name, the letter was rejected.

Mr. *Ashworth*'s examination resumed.

[Adjourned to Monday, at Twelve o'clock.

Lunæ, 28° die Aprilis, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Mr. Watson.	Mr. Bouverie.
Lord Hotham.	Mr. Hardy.
Mr. Vance.	Mr. Milner Gibson.
Mr. Headlam.	Sir Stafford Northcote.
Sir John Duckworth.	Mr. Moffatt.
Mr. Duncan.	Mr. Fenwick.
Mr. Horsfall.	Mr. Beamish.

The Committee examined Mr. *Johnson*, Mr. *Hutchinson*, Mr. *Hayes*, and Mr. *Hull*.

Mr. *Hull* having stated, in reply to a question as to the capacity in which he appeared before the Committee, that he appeared as agent and solicitor, employed by certain salt proprietors of the Weaver Salt Valley Company.

An objection was taken, by Mr. *Horsfall*, to the witness being examined in that capacity.

Motion

Motion made (Lord *Hotham*), "That Mr. Hull having stated that he is employed as a solicitor and agent by the proprietors of the Weaver Salt Works, to lay their case before the Committee, decline to hear him in that capacity." Question put, and agreed to.

Mr. *Hull* was called in, and his examination concluded upon the general question.

The Committee then examined Mr. *Worthington* and Mr. *Shuttleworth*.

[Adjourned to Monday, the 5th May, at Twelve o'clock.

Lunæ, 5° die Maii, 1856.

MEMBERS PRESENT:

Mr. Lowe in the Chair.

Mr. Watson.	Mr. Fenwick.
Lord Hotham.	Sir John Duckworth.
Mr. Hardy.	Mr. Moffatt.
Mr. Headlam.	Mr. Horsfall.
Mr. Milner Gibson.	Mr. Vance.
Mr. Duncan.	

The Committee examined *William Worthington, Esq., Mr. George Morrisey, Mr. Henry Fernie, Samuel Holden Blackwell, Esq., Mr. John Pearson, Darnton Lupton, Esq., Charles Henry Jones, Esq.*

[Adjourned to Thursday, at Twelve o'clock.

Jovis, 8° die Maii, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Lord Hotham.	Mr. Milner Gibson.
Mr. Watson.	Mr. Duncan.
Mr. Hardy.	Mr. Horsfall.
Mr. Vance.	Mr. Bouverie.
Mr. Headlam.	Mr. Fenwick.
Sir John Duckworth.	

The Committee examined Mr. *Stephen Heclis*, Mayor of Salford.

In the course of the examination, the *Chairman*, having put to the Witness the following question, "Do you think that this is a subject in which Parliament ought to interfere?" an objection was taken (Sir *John Duckworth*) to the course of examination.

The room was cleared.

Motion made, and question proposed (*Mr. Watson*), "That the opinion of the Witness as to the legality of the Liverpool Dues be not received, and that so much of his evidence as relates to that point be struck out." Question put:—Committee divided:

Ayes, 4.	Noes, 7.
Mr. Watson.	Mr. Vance.
Lord Hotham.	Mr. Headlam.
Mr. Hardy.	Sir John Duckworth.
Mr. Horsfall.	Mr. Milner Gibson.
	Mr. Bouverie.
	Mr. Moffatt.
	Mr. Duncan.

The Witness was re-called, and his examination further proceeded with.

Mr. *Newlands* and Mr. *Heron* were examined.

[Adjourned to Thursday, 22d, at Twelve o'clock.

Jovis, 22° die Maii, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Mr. Watson.	Mr. Bouverie.
Lord Hotham.	Mr. Moffatt.
Mr. Hardy.	Mr. Duncan.
Mr. Vance.	Mr. Fenwick.
Mr. Headlam.	Mr. Beamish.
Mr. Milner Gibson.	Mr. Horsfall.

The Committee examined Mr. *Guyon*, Mr. *Lloyd*, Mr. *Salt*, Mr. *Bancroft*, and Mr. *Heron*.

[Adjourned to Monday, at Twelve o'clock.

Lunæ, 26° die Maii, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Lord Hotham.	Mr. Duncan.
Mr. Hardy.	Mr. Fenwick.
Mr. Vance.	Mr. Horsfall.
Mr. Milner Gibson.	Mr. Beamish.
Mr. Bouverie.	Mr. Watson.
Mr. Moffatt.	

The Committee examined Mr. *James Bancroft*, Mr. *Thomas Livsey*, Mr. *Frank Crossley*, M.P., Mr. *Thomas Lloyd*, Mr. *Thomas Weld Blundell*, Mr. *Edward Vickers*, Mr. *James Watson*, Mr. *John Charley*, Mr. *Edmund Getty*, and Mr. *William Gibb*.

[Adjourned to Monday, 2d of June, at Twelve o'clock.

Lunæ, 2° die Junii, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Mr. Watson.	Mr. Beamish.
Lord Hotham.	Mr. Horsfall.
Mr. Vance.	Mr. Bouverie.
Sir John Duckworth.	Mr. Milner Gibson.
Mr. Duncan.	Mr. Moffatt.
Mr. Fenwick.	Mr. Hardy.

The Committee examined Mr. *Spencer Shelley*, Mr. *John Henry Butterfield*, Mr. *Henry Bremner*, Mr. *John Shepherd*, Mr. *William Hughes*, Mr. *Joseph Cooke*, and Mr. *J. M'Adam*, Jun.

[Adjourned till Thursday, at Twelve o'clock.

Jovis, 5° die Maii, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Lord Hotham.	Mr. Horsfall.
Mr. Vance.	Mr. Fenwick.
Mr. Watson.	Sir John Duckworth.
Mr. Milner Gibson.	Mr. Cardwell.
Mr. Bouverie.	Mr. Moffatt.
Mr. Duncan.	Mr. Hardy.
Mr. Beamish.	

The Committee examined Mr. *Schneider*, Mr. *Edgar Bowring*, and Mr. *Part*.

[Adjourned to Monday, at 12 o'clock.

Lunæ, 9° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Lord Hotham.	Mr. Duncan.
Mr. Hardy.	Mr. Horsfall.
Mr. Vance.	Mr. Fenwick.
Mr. Headlam.	Mr. Watson.
Mr. Milner Gibson.	Mr. Cardwell.

The Committee examined Mr. *Part* and Mr. *Shuttleworth*.

[Adjourned to Monday, at Twelve o'clock.

Lunæ, 16° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Lord Hotham.	Mr. Bouverie.
Mr. Hardy.	Mr. Moffatt.
Mr. Nance.	Mr. Duncan.
Mr. Milner Gibson.	Sir J. Duckworth.
Mr. Headlam.	Sir Stafford Northcote.

The Committee examined Mr. *Shuttleworth*.

[Adjourned to Thursday next.

Jovis, 19° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Mr. Watson.	Mr. Milner Gibson.
Lord Hotham.	Mr. Duncan.
Mr. Hardy.	Mr. Fenwick.
Mr. Vance.	Mr. Beamish.
Mr. Headlam.	Mr. Moffatt.
Sir John Duckworth.	

The Committee examined Mr. *Shuttleworth*, in continuation of his evidence of the former day.

[Adjourned to Monday next.

Lunæ, 23° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Lord Hotham.	Mr. Duncan.
Mr. Hardy.	Mr. Fenwick.
Mr. Headlam.	Mr. Beamish.
Sir John Duckworth.	Mr. Bouverie.
Mr. Milner Gibson.	

The Committee resumed the examination of Mr. *Shuttleworth*.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 26° die Junii, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Mr. Watson.	Mr. Moffatt.
Lord Hotham.	Mr. Fenwick.
Mr. Hardy.	Mr. Beamish.
Mr. Headlam.	Sir J. Duckworth.
Mr. Cobden.	Mr. Milner Gibson.
Mr. Duncan.	

The Committee examined Mr. *William Shuttleworth*, Mr. *John Weightman*, Mr. *Francis Shand*, Mr. *John Stewart*, Mr. *Elias Arnaud*, Mr. *William Hardy*, Mr. *James Bancroft*.

[Adjourned to Thursday next.

Jovis, 3° die Julii, 1856.

MEMBERS PRESENT:

Mr. Lowe, in the Chair.

Mr. Horsfall.	Sir Stafford Northcote.
Mr. Beamish.	Lord Hotham.
Mr. Duncan.	Mr. Watson.
Mr. Cardwell.	Mr. Cobden.
Mr. Bouverie.	Mr. Fenwick.
Mr. Milner Gibson.	Mr. Hardy.
Sir John Duckworth.	Mr. Vance.
Mr. Headlam.	Mr. Moffatt.

The following draft of a Report (Mr. *Headlam*) was brought up, and read 1°.

"Your Committee have, from the time of their appointment, been occupied entirely with an investigation of the case of the Municipal Corporation of Liverpool. In the prosecution of this inquiry they in the first instance examined numerous witnesses, who complained of the dues now levied by that Corporation; and they have, secondly, received evidence from the Town Clerk of Liverpool and other gentlemen, who amongst other things have explained to the Committee the title of the Corporation.

"Your Committee, having only been able to consider the case of Liverpool, are not in a position to make to the House any complete Report; but they submit certain conclusions at which they have arrived with reference to the particular case that has been considered by them.

"With respect to the legal title of the Corporation, Your Committee find that it was brought before a court of law in the year 1831, and that the decision was in favour of the title of the Corporation. Your Committee feel that the question of title is not a suitable one for their determination. It is competent to those who dispute its validity to submit this matter to the ordinary courts of the country.

"Evidence has been given to Your Committee of the prejudicial effect of the dues upon the export of salt, and some other articles; but as a general rule, the complaints have been rather directed to the application of the funds than to the amount of the charge.

"It appears, however, as a matter of fact that there was not imposed upon the produce of these dues in the original grant, or at any subsequent time, any trust to apply them to what are called 'Shipping purposes,' and there has not been any breach of legal or equitable duty on the part of the corporation in applying them to municipal purposes.

"Your Committee need scarcely direct attention to the fact that it has been the uniform practice of Parliament, when private property is sacrificed for public purposes, to provide that full compensation should be given.

"There are, however, two peculiarities in this case:

"First, That the property is of a peculiar description, namely, the produce of dues or tolls.

"Secondly, That this property is vested in a municipal corporation, and not in a private individual.

"With reference to the description of the property, Your Committee find that property in dues and tolls is perfectly well recognised at law, is subject to various rules and principles by which its legal validity is tested; but when dues or tolls do exist in conformity with these rules and principles, the right of property in them is as well recognised and protected as in any other matter; Your Committee therefore cannot discover anything in the

the particular nature of the property authorising the Legislature to deviate from their general practice, and they find, as a matter of fact, that in many cases the Legislature has dealt with property of this kind, on the principle of compensation.

"With regard to the circumstance that the property in this case is vested in a municipal corporation, Your Committee find that by the Municipal Reform Act all property legally vested in Municipal Corporations is held upon a precise Parliamentary trust for the benefit of the ratepayers of the particular borough.

"The corporate body are simply the trustees of their property, and the beneficial interest is wholly vested in the individual ratepayers.

"Your Committee are of opinion that with respect to all property of municipal corporations, whether it consists of land, or dues, or tolls, care should be taken by the Legislature to ensure its due administration for the benefit of the ratepayers; but they can discover no principle on which the public at large can seize, either upon the land, or upon dues or tolls, or any other property of a corporation, and deal with it in a different manner, or upon different principles to those upon which it acts upon in dealing with similar property, when vested in private individuals for their own benefit.

"It appears that the corporation of Liverpool have not the power, under the existing law, to lower their dues in any manner; and this is stated to be the reason why, in some instances, charges of an oppressive character have been maintained.

"Your Committee think that if no other more extensive arrangement should take place, there ought to be granted to the corporation of Liverpool power to lower their dues.

"Your Committee would also direct attention to the rapid increase in amount of these dues, as affording a strong argument to prove that, if any arrangement is to be entered into with the corporation of Liverpool on the principle of compensation, no time should be lost in the completion of such an arrangement.

"The attention of this Committee has also been directed to the privileges enjoyed by freemen, in the shape of exemption from these dues. It appears, upon investigation, that the extent of the hardship arising out of this privilege has been exaggerated, but there is no doubt that it is a certain advantage to the freemen of Liverpool in carrying on trade in that town. The number of freemen entitled to privileges of this description is continually diminishing, and Your Committee do not find that there is sufficient reason to disturb the settlement of the question made by the Municipal Reform Bill."

Question proposed, "That this Report be now read a second time, paragraph by paragraph." Amendment proposed (Mr. *Milner Gibson*), "To leave out all the words after the word 'That,' in order to add these words: 'The evidence taken up to the present time be reported to The House without any expression of opinion.'"

Question put, "That the words proposed to be left out stand part of the question. Committee divided:

Ayes, 8.	Noes, 8.
Mr. Horsfall.	Mr. Beamish.
Mr. Vance.	Mr. Fenwick.
Sir J. Duckworth.	Mr. Duncan.
Mr. Headlam.	Mr. Cardwell.
Sir S. Northcote.	Mr. Bouverie.
Mr. Hardy.	Mr. Milner Gibson.
Lord Hotham.	Mr. Moffatt.
Mr. Watson.	Mr. Cobden.

The Chairman declared himself with the Noes.

Proposed words added.

Resolved, That the Evidence taken up to the present time be reported to The House without any expression of opinion.

The following is the LIST of the PETITIONS referred to the Committee, and considered by them.

Petitions praying to be heard by counsel, agents, and witnessses before the Select Committee:—From Corporation of Liverpool; and, Guild or Brotherhood of Masters and Pilots of the Trinity House of Kingston-upon-Hull.

Petition of Merchants and others of Runcorn, praying to be heard by counsel, agents, and witnesses before the Select Committee.

Petitions against the Local Dues on Shipping, &c. Bill:—From Port Glasgow (Provost); and, Dumbarton (Provost) (two).

Petitions praying to be heard by counsel, &c. before the Select Committee:—From the St. Helen's Canal and Railway Company; and, Trustees of the Piers and Harbours of Whitby.

Petition of Messrs. Guardam, Earle, and Woodan, and others, for adoption of the recommendations contained in a report of Commissioners suggesting the abolition of the right claimed by private companies of levying dues beyond the boundaries of their own property.

Petition of Frederic Shepard Hull, for referring the consideration of the Dues levied by the Trustees of the Weaver Navigation to the Select Committee on Local Charges upon Shipping.

Petition from Kingston-upon-Hull, for permission to be heard by counsel, agents, and witnesses, upon the matters referred to the Select Committee on Local Charges upon Shipping, so far as they affect the Port of Kingston-upon-Hull.

Petition of Chairman of Commissioners for Harbour and Docks of Leith, for permission to be heard by counsel before the Select Committee on Local Charges upon Shipping.

Petitions in favour of the Local Dues on Shipping Bill:—From Ironmasters in the Staffordshire Mineral District; and, President of the Huddersfield Chamber of Commerce.

Petition of Stockton and Darlington Railway Company, for application of a sum of money derived by the Corporation of Stockton-on-Tees from charges levied upon ships frequenting that port to the improvement of the river.

Petition of Commissioners for Paving, &c. the town of Ramsgate, to be heard by counsel before the Select Committee.

Petition from West Cowes in favour of the Local Dues on Shipping Bill.

Petition of Corporation of Masters and Assistants of Trinity House of Leith, for permission to be heard by counsel before the Select Committee on the Bill.

Petition of the Corporation of Rochester, to be heard by counsel before the Select Committee.

Petition of the President of the Chamber of Commerce of Wolverhampton, in favour of the Local Dues on Shipping Bill.

EXPENSES OF WITNESSES.

NAME of WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days absent from Home under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Mr. Joseph Heron	Solicitor	Manchester	7	5 – –	14 14 –	19 14 –
Mr. William Rigby	Merchant	Runcorn	3	5 – –	3 3 –	8 3 –
Mr. H. Ashworth	Manufacturer	Bolton	3	5 – –	3 3 –	8 3 –
Mr. Sinclair	Secretary to Railway Company.	St. Helens	4	4 10 –	4 4 –	8 14 –
Mr. Johnson	Merchant	Runcorn	4	4 17 6	4 4 –	9 1 6
Mr. Hutchinson	Ditto	St. Helens	4	4 10 –	4 4 –	8 14 –
Mr. Haye	Ditto	Runcorn	4	4 17 –	4 4 –	9 1 6
Mr. Blackwall	Ditto	Dudley	5	Twice to London and back. 6 6 –	5 5 –	11 11 –
Mr. Pearson	Ditto	Liverpool	7	4 10 –	7 7 –	11 17 –
Mr. Lupton	Ditto	Leeds	4	4 15 –	4 4 –	8 19 –
Mr. Jones	Ditto	Huddersfield	7	4 15 –	7 7 –	12 2 –
Mr. Heelis	Solicitor	Manchester	4	4 10 –	8 8 –	12 18 –
Mr. Lloyd	Merchant	Birmingham	6	3 Journeys 9 – –	6 6 –	15 6 –
Mr. Salt	Ditto	Bradford	6	2 Journeys 4 10 –	6 6 –	10 16 –
Mr. Bancroft	Gentleman	Manchester	5	4 15 –	5 5 –	10 – –
Mr. Livsey	Cotton Spinner	Rochdale	5	4 12 6	5 5 –	9 17 6
Mr. Watson	Wholesale Grocer	Birmingham	4	3 – –	4 4 –	7 4 –
Mr. Vickers	Merchant	Sheffield	4	4 17 –	4 4 –	9 1 –
Mr. Gibb	Ditto	Manchester	4	4 10 –	4 4 –	4 14 –
Mr. McAdam	Ditto	Belfast	6	7 5 –	6 6 –	13 11 –
Mr. Part	Solicitor	Wigan	7	4 12 6	14 14 –	19 6 6
Mr. Charley	Merchant	Belfast	6	6 6 –	7 – –	13 6 –
Mr. Getty	Ditto	Ditto	6	6 6 –	7 – –	13 6 –
Mr. Hull	Solicitor	Liverpool	3	4 10 –	6 6 –	10 16 –
Mr. Worthington	Gentleman	Ditto	11	4 10 –	11 11 –	16 1 –
Mr. Newland	Ditto	Ditto	9	2 Journeys 9 – –	9 9 –	18 9 –
Mr. Guyon	Ditto	Ditto	3	4 10 –	3 3 –	7 13 –
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Veneris, 18° *die Aprilis*, 1856.

MEMBERS PRESENT:

Mr. Lowe.	Mr. Hardy.
Mr. Beamish.	Mr. Headlam.
Mr. Bouverie.	Mr. Horsfall.
Mr. Cardwell.	Lord Hotham.
Sir John Duckworth.	Mr. Moffatt.
Mr. Duncan.	Sir Stafford Northcote.
Mr. Fenwick.	Mr. Vance.
Mr. Milner Gibson.	Mr. Watson.

THE RIGHT HON. ROBERT LOWE, IN THE CHAIR.

The *Chairman* stated that he had, by direction of the President of the Board of Trade, to lay before the Committee a Memorial which had been sent to that department by certain manufacturers of salt in Runcorn, complaining of the effect of the Liverpool town dues on their trade.—(*The same was delivered in, and read.*) *Vide* Appendix.

Joseph Heron, Esq., called in; and Examined.

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1. *Chairman.*] ARE you the town clerk of Manchester?—I am.

2. Have you turned your attention to the question of the town dues levied at Liverpool?—Yes, I have; my attention has necessarily been drawn to the question now for some years past, in consequence of the subject being from time to time discussed both in the Town Council, and also the commercial chambers existing within the city. But I may state, that it was more especially directed to the subject at or about the time that the Shipping Dues Commission was appointed. A meeting of that Commission was looked forward to with considerable interest by Manchester, and by the whole of the district in the neighbourhood of Manchester. The first meeting was held under circumstances to which I shall not refer beyond stating, that it was not, in fact, heard of at Manchester, and in the district around Manchester, that such meeting of Commissioners was to take place; but a representation was made to the Board of Trade at the time the Right honourable Gentleman, a member of this Committee, was President, and he was pleased to direct that there should be a further inquiry held in Liverpool, which took place in April 1854. Before the Commissioners it became my duty to appear as one of the parties representing the Corporation of Manchester. Many other individuals were present, as is stated in the Report of the Shipping Dues Commission, and in consequence of what took place before the Commissioners, and the information which was at that time communicated to the whole of the district affected by levying the town dues, I may state that the subject became one of paramount interest and importance in the district; because I have no hesitation in stating, that prior to the meeting of that Commission the district was not at all aware of the position in which it stood with reference to the town dues. It was generally thought that trade and commerce did benefit to a certain extent, and to a con-

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siderable extent by the expenditure of the town dues; but it was found at that time that the responsibility to expend anything for the benefit of trade and commerce was positively and absolutely denied by the corporation. It was also found that the conduct of the corporation had been, to a large extent, consistent with the legal position which they took; and that very little, if any, money had been expended by the corporation for the benefit of the trade and commerce which paid the dues. Those were the circumstances which caused my attention necessarily to be drawn to a large extent to this subject; and since that period it has occupied a considerable portion of my time.

3. Do you consider the subject of much importance to the interests of Manchester?—I think it is a subject of vital importance, not only to the interests of Manchester, but to the interest of Liverpool itself, and in fact to the interest of trade and commerce generally; because this Committee will be well aware, I am sure, that nearly one-half of the trade and commerce of the country finds its way to Liverpool; I believe that Liverpool stands now pretty nearly upon a par even with the City of London in importance. I will venture to lay before the Committee a few figures, for the purpose of showing that it is scarcely possible for a more important subject, both as affecting the district called upon to pay the dues, and also as affecting Liverpool, than that which is involved in this inquiry. The progress made in Liverpool, which I can show by referring to a very few figures, is something most extraordinary. I believe it is stated by the Municipal Corporation Commissioners, that nothing equal to the extraordinary progress made in Liverpool can be referred to throughout the whole country. There are a few words which I will read that are interesting, with reference to the particular inquiry now before the Committee. Leland, the King's antiquary, in the reign of Henry the Eighth, states, that "Lirpole, *alias* Lyverpol, a paved town, hath but a chapel. At Lyrpole is small custom paid, that causeth merchants to resort; good merchandize at Lyrpole, and much Irish yarns that Manchester men do by ther." Now that was the condition at that period; but I fear that it is very much changed, because I find that Mr. Joseph Hornby stated before the Municipal Corporation Commissioners in 1833, when referring to the large surplus which at that time was possessed by the dock trustees, that the dock rates were much too high; and he states the fact, that at Liverpool they "exceed those of London, especially on large vessels, upon which they are more than double." In 1700 the population of Liverpool was 5,714; in 1831 it was 165,000; and I believe the population now is little short of 350,000. In 1753 the dock dues amounted to 2,034*l.* 16*s.* 2*d.*; in 1803, to 28,027*l.* 13*s.* 7*d.*; in 1833, to 182,980*l.* 16*s.* 4*d.*; in 1851, to 235,527*l.* 2*s.* 6*d.*; and by the evidence given before the Committee which sat upon the Dock Bills of last Session, I think it was proved that the dock rates at that time amounted to very nearly 380,000*l.* The Liverpool town dues in 1731 amounted to 648*l.* 16*s.* 3*d.*; in 1801, to 19,728*l.* 3*s.* 5*d.*; in 1833, to 47,007*l.* 14*s.* 5*d.*; in 1847, to nearly 100,000*l.*; and in 1855, I believe they amount to very little, if anything short of 150,000*l.*; 125,000*l.* of which appears to find its way into the coffers of the corporation, and is paid to the credit of the borough fund; and the remainder in some way or other, which I cannot very well explain, I believe finds its way into the pockets of the freemen of Liverpool; but the only information which I have with reference to the amount which finds its way into the pockets of the freemen of Liverpool is from a pamphlet which was published, in fact, by a Liverpool gentleman; and if it is thought desirable by any member of this Committee to give the exact data upon which I have supposed that amount to be received by the freemen, I shall be quite prepared to read the passage.

4. Mr. *Watson.*] Is that your own pamphlet?—No; it is written by a Liverpool merchant.

5. Mr. *Moffatt.*] What is his name?—John Finch, merchant, member of the council of the Financial Reform Association of Liverpool. I do not state the amount except upon the authority of Mr. Finch; it is quite clear to the Committee that I cannot obtain any information upon the subject; but the corporation can give to the Committee—I believe nobody else can—the facts to disprove Mr. Finch's statement if it is at all inaccurate; we have no means of obtaining any information upon the subject.

6. Mr. *Watson.*] Can you inform the Committee who Mr. Finch is?—He is a Liverpool merchant.

7. Is

7. Is he a real man?—I believe there is no doubt about his reality. Mr. Finch says, "957 merchants, brokers, and others connected with the commerce of Liverpool, men who can all well afford to pay their rates and taxes, by being freemen of any of the above places, obtained exemption from our town dues last year."

8. Mr. *Moffatt.*] What are the "above places"?—There are various places; Bristol, Waterford, Wexford and London. "Liverpool freemen remaining on the books of those claiming exemption from town dues in 1836, 514; persons who have obtained exemption since, in addition to the above, 104; total in 1849, 618. Of Waterford freemen claiming exemption from Liverpool town dues in 1836, 158; additional claims up to this period, 26; total in 1849, 184. Of Wexford freemen claiming exemption in 1836, 53; additional up to this period, 15; total in 1849, 68. Bristol freemen claiming in 1836, 48; additional up to the present, 20; total in 1849, 68. Of London freemen claiming in 1836, 5; ditto additional up to the present, 14; total in 1849, 19." Thus there are "957 merchants, brokers, and others, connected with the commerce of Liverpool, men who can all well afford to pay their rates and taxes, by being freemen of any of the above places, obtained exemption from our town dues last year. Now as our free-trade reform friend stated that it saved him 200 *l.* last year, and as one of the partners was not a freeman, this was only half the amount of the town dues of his firm, which, as to extent of business, was by no means of the largest class. The benefit to some parties on the list must be more than 1,000 *l.* per annum; but if we average them all at the very moderate sum of 30 *l.* per annum each, and by a new Act of Parliament compel all to pay alike, this would enable the corporation to hand over to the parish authorities 28,710 *l.* annually in lieu of rating the docks, without adding one farthing to the expenses of the port, or diminishing by one fraction the municipal income." I show how I get the 150,000 *l.*; it consists of 125,000 *l.*, the amount which was stated to be received last year by the corporation, and 25,000 *l.* I allege as the amount which was received by the freemen, which is considerably less than the amount suggested by Mr. Finch.

9. That is received by the corporation, and returned to the freemen?—I believe that is the practice; but that will be stated better by other parties. All goods pay the town dues; for the goods of the freemen, they claim back the amount which has been so received. If there are two partners, one a freeman and the other a nonfreeman, they claim back one-half the amount the firm has paid, and that goes to the credit of the freemen.

10. Mr. *Horsfall.*] Are you stating what you know, or merely hearsay evidence?—I cannot say I have ever paid town dues; I merely know it as those facts are generally ascertained, by common reputation. I do not know it, except as hearing that this is the practice from other parties; but of course I shall be easily set right if I am misinformed.

11. Mr. *Hardy.*] Do the corporation contend that they have a right to levy these town dues from the freemen?—No.

12. When you say that the money goes into the pockets of the freemen, it is money that the corporation never had any right to take from them?—Exactly.

13. *Chairman.*] Can you give the Committee any more recent information as to the amount of town dues levied?—It was stated in the papers during the week prior to April the 11th that the amount of town dues (but, I believe, it really ought to have been dock dues), was 15,500 *l.* in one week, and that in that week no less than 101,000 bags of cotton were received. Now, taking the same proportion which we find the town dues do really bear in the year to the dock dues, the town dues would be about 6,000 *l.* for that week. It is quite certain that on one day the town dues upon cotton alone, in which Manchester and the surrounding district is more directly interested, would amount to 840 *l.*; that is, upon 101,000 *l.* bags of cotton at 2 *d.* I am anxious to place before the Committee the amount of charge which now attaches to commerce, and to show what will be the probable and early increase. The dock dues amount to 380,000 *l.*; the town dues amount to 150,000 *l.*; which makes a total of 530,000 *l.* per annum, now obtained from commerce. By the arrangements which have been sanctioned by Parliament, the Birkenhead Docks are being completed, and the expenditure will certainly not be less than 2,000,000 *l.* sterling. Considerable additions to the docks on the Liverpool side are also authorised, which will cause an addition to the present debt of at least 500,000 *l.*, making the additional debt in respect of

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which interest must be paid, 2,500,000 *l*; making, if interest at five per cent. be charged, without adding anything for working expenses, or for a sinking fund, an additional charge of 125,000 *l*.; so that in the course of two or three years the amount which will have to be raised by rates or dues upon the commerce of the Mersey will be at least 650,000*l*. per annum.

14. Have you formed any estimate as to the probable increase of the town dues revenue?—I can scarcely say that I have formed any estimate; of course we may judge by what has already taken place what may be expected to arise. It is quite certain that if any beneficial occupation of the enormous additional dock accommodation which is being provided with the sanction of Parliament on the Birkenhead side, and which is to cost 2,000,000*l*., is to take place, there must be an enormous additional traffic, leading to a very large increase in the town dues. The increase from 1847 to 1855 appears to be 50,000*l*., and therefore it is not at all unreasonable to suppose that in the course of a very few years the town dues may exceed 200,000*l*. per annum, and rapidly go on increasing, unless the effect of this enormous charge upon the commerce of the Mersey compels it to find less expensive ports.

15. Sir *J. Duckworth.*] You have shown by figures that there has been a vast increase in the trade of Liverpool; has not that increase taken place notwithstanding the impost which you have described?—No doubt of it.

16. Therefore it may be inferred that the shippers get, as far as the dues are concerned, a *quid pro quo:* notwithstanding they have to pay those heavy dues, they have not been driven to any other port?—No; that they get a *quid pro quo* I cannot admit. I think it will be clearly shown to the Committee that in the expenditure of the 125,000*l*. a year, obtained in the shape of town dues, the shipping has very little, if any, benefit, and that they would get all they get now if the 125,000*l*. a year was not withdrawn from them.

17. At all events, these town dues are increasing to the extent you have described?—Of course they are, and they may go on increasing; but it is impossible to say when the amount of expenditure may become so heavy as to drive the trade to look for cheaper ports.

18. Mr. *Watson.*] How much per cent. is the annual increase of commerce in the port of Liverpool?—I cannot tell.

19. Is it not about 30 per cent. annually?—I am not able to say.

20. *Chairman.*] What is the nature of the title under which the town dues are levied?—The nature of the title appears in the answers that were given to the Shipping Dues Commissioners in 1854.

21. Given by whom?—By the Corporation of Liverpool: the question they were asked was, "If the dues, or any of them, are claimed by the authority of any Act of Parliament, state the title, and the year, reign, and chapter of the Act or Acts under which they are levied?"

22. Was that a written question?—Yes; No. 1. The answer to No. 1 is, "The dues have been claimed and received by the Crown, and by grantees and lessees under the Crown from the earliest period to which the history of the port extends." No. 2 question is, "If they are claimed under Royal grant or grants, furnish a copy of the charters under which they are claimed?" The answer is, "The corporation have received them for several centuries as lessees under the Crown, and as lessees under grantees from the Crown, previous to the purchase by the corporation, as hereinafter mentioned." No. 3 question is, "If they are claimed by prescription, state the earliest time when they can be shown to have been received, and the history and origin of the usage as far as it can be traced?" The answer is, "In the year 1628 they were sold by the Crown with other manors and hereditaments to the citizens of London, and in the year 1635 devolved upon Lord Molyneux, ancestor of the present Earl of Sefton, by purchase from the citizens; the property, including these dues sold by the Crown to the citizens of London, and afterwards purchased by Lord Molyneux, was sold; and purchased, subject to a reserved rent." No. 4 question is, "Is the right to levy the charges, or any of them, disputed? If so, state by whom, and on what grounds; whether there has been any litigation on the subject, when it took place, and its result?" The answer is, "This rent was purchased by Lord Molyneux from the Crown in the year 1670, and on receipt of the purchase-money was released and conveyed to Lord Molyneux by commissioners and trustees appointed under Act of Parliament and Letters Patent for the sale of the fee-farm and other rents of the Crown." Then there is a note referred to by asterisks, which appears to be the

answer

answer to the question, "In the year 1671 Lord Molyneux granted a lease of their dues, with other hereditaments, to the Corporation of Liverpool, for the term of 1,000 years, reserving a rent; in the year 1777 the corporation purchased the reversionary interest in that lease, and the rent from Lord Molyneux, and have ever since remained in the enjoyment of the rights so purchased. About the year 1799" (that is a mistake; the date ought to be 1695, because I shall have to refer to that particular date from other documents, which are certainly more correct.) "About the year 1799 a question arose as to the exemption from payment of these dues of non-resident freemen of London, but the general right of the corporation to receive dues was not questioned. But about the year 1830-31 the right of the corporation to receive the dues was disputed by several merchants and others, against whom the corporation immediately brought separate actions. The several actions were consolidated under Judge's Order, and one only was directed to be tried. Previous to the trial the defendants obtained access to the documents in the possession of the corporation, and the history of the port and of the dues claimed was proved in evidence for nearly six centuries, and the title was strictly investigated. The result established the title of the corporation, as appears by the record of the judgment in the action. 'The Mayor, &c. of Liverpool against Bolton and others,' entered of record in the Court of Queen's Bench as of Trinity Term 1833, and the title has not since been questioned. The dues are not claimed under any Act of Parliament, and as the title has been so lately established by legal decision, it is not considered necessary to enter into longer detail." Then follows this passage, "See opinion of Sir F. Kelly, Cowling and Milward as to course." I ventured to ask the Commissioners in Liverpool if we might be permitted to see the opinion which appeared to be referred to as a part of the answer, but I was smilingly told by the Commissioners that I must see at once that such reference had been printed by mistake, and that it did not form a part of the answer. That is the title, in fact, stated by the corporation, and of course it is not for me to raise the question of title in any way before the Committee. The title is assumed to be admitted and to have been established. At the same time I am anxious to show, such being the title, the mode in which the Liverpool Corporation themselves have dealt with this right. In 1628, it appears that Charles the First granted to the Corporation of London 1,000 manors, including Liverpool, for about 384,000*l.* I am anxious the Committee should have that fact distinctly before them. Liverpool was only one of about 1,000 manors conveyed to the Corporation of London for that sum. I believe Liverpool was sold to the Molyneux family for about 700*l.*, or rather it was sold to the Molyneux family by the London Corporation, and subsequently by that family to the Corporation of Liverpool, for about 700*l.*

23. *Chairman.*] The Molyneux family claimed under the Corporation of London?—Yes; the Molyneux family sold to the Corporation of Liverpool, first granting a lease for 1,000 years, on the 27th of May 1672. In 1691, the litigation, which is referred to in the answer, took place with the freemen of Lancaster. I am anxious to show the Committee the nature of the title which was then claimed and set forth by the Corporation of Liverpool.

24. What was the nature of the litigation?—The town dues had been taken in respect of certain articles belonging to freemen of Lancaster; the freemen of Lancaster insisted, that under their old charter they were exempt from paying Liverpool town dues. My object is to show what was the title that, in 1691, the Liverpool corporation distinctly put upon record in the proceedings which were instituted only about 19 years after, as they now say, they had obtained the right to the town dues by lease or purchase from the Molyneux family. In the Bill which was then filed against the freemen of Lancaster, the corporation declared, "That the borough of Liverpool is an ancient borough, and for all the time whereof the memory of man is not to the contrary, and the principal seaport town or haven in the county of Lancaster; which said borough of Liverpool doth stand and is situate, and so hath done and been for all the time aforesaid, upon the bank of the River Mersey, near the mouth or outlet thereof; and within or near to the said mouth or outlet is a place called Highlake, which for all the time aforesaid hath been within the precincts and liberties of the said borough, and part of the port or haven of the said borough; and the burgage lands of the said borough extend themselves to the low-water mark of the said River Mersey, which said River Mersey, in that part of it near to which the said borough stands, and in several places thereof, within the liberties and precincts of the said borough runs,

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and for all the time aforesaid hath run, over great stones and rocks, and by its own force and flowing of the sea into it, and the violence of tempests often hath loosed and still loosens many of the rocks, and drives part of them into such places as (if not removed) would be incommodious and dangerous for ships sailing into, or out of, or riding at anchor, or moored in the said port or haven; the flowing whereof hath often cast up sand beds, and worked down the earth from the bank of the said river, which likewise hath been and would be hazardous (if not removed) to ships sailing into or out of, or riding at anchor, or moored in the said port or haven. And the said Attorney-general further showeth, that the burgesses of the said borough have always constantly removed the loose rocks and stone, and the sand beds and earth, out of the said port and haven, and the strand and wharf thereof, and freed and cleared, and kept free and clear, the said port and haven therefrom, at their very great charge and trouble, insomuch that the said port, by reason of such care and charge, is and always hath been the most convenient and safe port and haven, not only of the said county of Lancaster, but of any the western shore of the north of England; by reason whereof the said borough of Liverpool is and hath been well frequented with shipping from several foreign nations, and from several parts within this realm, besides what belong to the said borough, to the great benefit and advantage of the said 'County of Lancaster, and the many adjacent counties.'" And also, "And the said borough of Liverpool and the burgesses there, for the better encouragement of, and drawing merchants thither, have, time out of mind, kept and maintained a common beam and scales, warehouses and cellars, fit and convenient for the weighing and keeping of all sorts of merches, and have used, and now use, to provide carts and carriages to carry and remove goods and merches upon all occasions." And further, "And the said Attorney-general further showeth, that either by prescriptive custom or some other means, from the time whereof the memory of man is not to the contrary, there hath been due and payable, and paid to the burgesses of the said borough several small rates or sums of money, called or known by the name of town's duty or town's custom, for several sorts of goods and merches; whether the same have been or shall be exported out of, or imported into, the said port or haven of Liverpool, from any place beyond sea, or to or from any place within this realm, upon breaking the bulk or cargo of the ship so importing the said goods, either by landing them on the wharf there, or putting them on board any other ship or boat riding in the said port or haven." Now the Committee will see that in 1691, that was the title which the Corporation of Liverpool set up, and the grounds upon which they alleged that they were entitled to the town dues.

25. Mr. *Watson.*] Will you describe what the proceeding was; was it a *quo warranto*?—It was a bill filed by the Corporation of Liverpool for an injunction to stay proceedings which had been taken by the freemen of Lancaster, whose goods had been in some way interfered with or seized.

26. That is the statement upon the face of the bill in Chancery?—It is part of the bill itself.

27. *Chairman.*] What you intend to infer from that is, that they claimed the title by prescription, and that they showed consideration?—Yes.

28. Mr. *Watson.*] Are not the words "by prescription or otherwise"?—Yes.

29. *Chairman.*] It was an information in Chancery, and they were the relators? Yes. I do not refer to these proceedings for the purpose of raising any question of title, but for the purpose solely of showing the duties which the corporation at that time imagined they had to perform, and which I shall show, from a variety of other sources, they were performing at and prior to this period.

30. What became of that case?—It does not appear to have been decided; it seems to have been abandoned. It is alleged that there is no record of its having been decided. There is, however, a subsequent case in 1695 with the freemen of London; that case was brought to an issue.

31. What was the cause of litigation?—The same cause precisely. The freemen of London, who were importing cheese, had had their cheeses seized, and litigation took place. As far as that cause was concerned, it was brought to an issue, and the freemen of London were declared to be exempt from the liability to pay those dues; but precisely the same title was set up in the proceedings that were taken against the freemen of London as in the proceedings taken against the freemen of Lancaster, and the same duties were alleged and referred to as the ground or consideration for taking the dues.

32. Mr. *Cardwell.*] Was the statement upon oath in the latter case?—Yes, it would be upon oath.

33. *Chairman.*] Do you know the nature of the proceedings in the latter case?—I do not.

34. Mr. *Horsfall.*] The evidence is upon oath?—Yes; this is a short account of the second action, and it will give the Committee all the information that is necessary with respect to the action against the freemen of London. "In the year 1695 the corporation seized certain cheese for town's duties alleged to be payable thereon. In consequence of this seizure, a bill was filed in the Court of Exchequer, by Nathaniel Hawes and others, cheesemongers, of the City of London; the plaintiffs in this bill set forth, that they were native of England, and freemen and citizens of the City of London, and as such they were advised that they ought not only to enjoy the liberties and privileges of their Majesties' freeborn subjects, but also several ancient and other liberties which had been time out of mind enjoyed by the citizens of London; that the plaintiffs, being cheesemongers, were accustomed to purchase great quantities of cheese in Cheshire and Lancashire, which was brought to London by ships which usually touched at Liverpool, or came to anchor in the River Mersey; and that when such ships anchored in or passed through the River Mersey, the corporation by themselves or their servants boarded the same, and under pretence of some duty or toll which they alleged to be due to them (though they always refused to say what, or from or under what authority they derived the same) had broken open the decks of the ships, and had seized and taken away the plaintiffs' cheese, and which they continued to do and to exact by usurpation and pretended authority, against the known laws of the realm, and threatened that although they had hitherto demanded but 12 pence per ton, yet they would have 20 pence per ton for every ship that came within the river, though not within the town; the plaintiffs prayed that the corporation might set forth the quantity of cheese which had from time to time been so seized and taken away, and for what duty and by what authority the same had been so seized; and if by any Royal or other grant or charter, when and by whom granted, with the date and the contents thereof; or if by prescription or custom, of what duration, and upon what reason or ground the same was founded. In their answer to this bill, the corporation proceeded much on the same grounds as they assumed in their information against the freemen of Lancaster, though they stated in addition, that, in order to bear the charge of clearing the port, and other necessary uses of and for the borough, as well as for the uses previously set forth in their information against the freemen of Lancaster, as they hoped to prove, as well by living witnesses as by divers books, papers, charters and records, by custom or prescription, the time whereof the memory of man runs not to the contrary, or as the borough was parcel of the Duchy of Lancaster, or by some other good right, there had been due and paid, and of right ought to be paid and payable to the burgesses of the borough, as well by freemen citizens of London, as by others, except the freemen of Liverpool, several small sums called or known by the name of town dues on all sorts of goods exported out of or imported into the port of Liverpool, particularly for every ton of cheese 1 *s.* 8 *d.*"

35. *Chairman.*] That was an answer therefore on oath?—Yes; that was the case of the London freemen; the action was tried, and the result was, that the freemen of London were declared to be exempt from the payment of town dues: I trouble the Committee with this statement to show that the same duties and liabilities in connection with the port and harbour were put forward, and alleged as the ground or consideration on which they took the town dues.

36. Mr. *M. Gibson.*] As consideration?—Yes.

37. *Chairman.*] For keeping the river in repair?—Yes; removing the rocks and shoals, and keeping the navigation free. The action which was tried before Lord Denman in 1833, is also referred to, and it will probably have to be referred to hereafter; but I can state upon the best authority that the object of that action was really not to get rid of the town dues, but to render them more equitable in the mode in which they were levied. This was distinctly stated before the corporation commissioners.

38. When was that action tried?—In 1833; that is the action which is referred to in the answers given to the Commissioners, and by that action it is said that the right of the corporation is established.

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39. Have you nothing to say with regard to the dealings of the Corporation of Liverpool with this matter between 1695 and the trial before Lord Denman?—I may state, with reference to the title (of course, this is only to show that it seems to have been involved in very great doubt and obscurity), that in 1691 and 1695 the title alleged under the Molyneux family is never referred to in any way. I find also, in 1789, Mr. Brown, the legal officer of the corporation, in a case which he prepared for the opinion of Mr. Hargreave, then the recorder, refers to the title as a title by prescription, and does not suggest, or even refer to, in any way, the purchase from Lord Molyneux, which does not appear to have been put forward at all. In 1792, Mr. Foster (I think he was at that time the town clerk), in giving evidence before a Committee of this House, when an application was made for power to issue local notes when asked about the town dues, as a part of the corporation property, stated that they possessed them as "a manorial right." In 1824, in a case which was prepared by Mr. Statham, who was at that time either the town clerk or one of the principal legal officers of the corporation, it is also referred to as a title by prescription, and he did not then appear to place any reliance upon, nor refer to the title under which the corporation now claim, and which is said to have been established by the action which was tried in 1833.

40. The title alleged in the action of 1833, was a title under Lord Molyneux?—It was clearly and distinctly stated, that they claimed under the purchase from Lord Molyneux, although in all the previous proceedings it appeared never to have been thought worth while to refer to that lease or purchase as the title under which they claimed.

41. You were about to say something with regard to the motives through which this question was raised in 1833?—At that time the Committee will understand there was an association of Liverpool merchants to resist the payment of the dues; but their object was, as they clearly and distinctly stated, not to upset the right to the town dues, but to secure their being levied in a more equitable manner. In the evidence which was given before the Municipal Corporation Commissioners in Liverpool in 1833, it is distinctly stated, that it was not for the purpose of contesting that right. Mr. Edwards says, "I wish to pay the town dues; I have no objection to pay them, provided that the rest of the community contribute in the same proportion." Mr. Lowe, who was the solicitor employed by the associated merchants, says, "If the town clerk had been in court," (the town clerk having said that the action was for the purpose of destroying the right to the dues), "If the town clerk had been in court during the time I was speaking, he would have seen that it was not merely to try the right of the corporation that the payment of the dues has been refused. The correspondence showed that the object was first to try the right, and then the question of amount. If the Common Council had met the question fairly, and said, 'The dues are too high, and we will reduce them,' we should never have heard of the town dues action." Mr. Bolton, who was one of the defendants in the case selected for trial, says, "As a question has been put as to the cause of the action, and as I am a defendant in that action, feeling, in common with others, the burden, we resist. I think myself here called upon to state my views of the question. It is, as I understand it, first, to try the right; and next, whether there should be any exemption, as in the case of Sir John Tobin, Mr. Horsfall, and others. Again, if there be town dues, whether they are to be regulated by any principle of bulk, weight, or value; and I repeat, that if all persons in town had paid alike, I for one should not have disturbed the question." Mr. Lowe, the solicitor, says, "And I for one would never have been concerned in an action for that purpose, when such great benefits are derived to the town from the appropriation of those dues." So that it was quite clear that the object was to secure a more equal and just mode of assessment; and the fact is, that the merchants entirely succeeded in that object.

42. How did they succeed in that object?—They succeeded in securing a very large reduction in the particular dues which were found to be most oppressive, and which they themselves brought more especially under the notice of the town council; I have a statement of what was done.

43. Lord Denman on the trial ruled in favour of the Liverpool Corporation on every point, did not he?—Lord Denman ruled in favour of the Liverpool Corporation upon all the points; a bill of exceptions, which is here set forth, was prepared, and, as I stated, was filed. In the history of this action, published by the merchants, it is stated, "The proceedings upon it were about to be taken, when a Commission to examine the state of the municipal corporations

tions in England and Wales, with a view to correct the abuses in those bodies, was issued; and as, in the opinion of many persons, such an investigation would inevitably lead to an alteration which would obviate the objections entertained to the town's dues, it was thought right to await the result of that inquiry. In the course of their labours certain of the Commissioners appointed to investigate the state of municipal corporations visited Liverpool; and some time after their visit an attempt was made to terminate, on a satisfactory basis, the litigation between the associated merchants and the corporation. After negotiation the merchants consented to an arrangement, being strongly impressed with a conviction that the Legislature, having had their attention drawn to the obvious injustice of the partial operation of the town's dues as a commercial impost, would immediately take measures to place freemen and non-freemen on the same footing. Messrs. Bolton, Ogden & Co., who became defendants in the suit at the call of the merchants, were, as part of the associated merchants, bound to obey the resolution of the whole body; and it was finally agreed that the plaintiffs and defendants should each pay their own costs, and that the verdict should be recorded, thus terminating legal proceedings. The committee at the same time declared, that they thus acted solely from a conviction that the Legislature had in preparation a measure which would place freemen and non-freemen on the same footing in future; and also in reliance that the corporation would act up to the spirit of their own resolution, passed after the Municipal Commissioners had visited Liverpool, namely, 'that the town dues committee were immediately to report to them (the corporation) (with a view to reduction) on such articles as appeared to be oppressively taxed.'" Then follows the resolution subsequently passed in 1834 by the council, "That the receiver of the town's dues or town's duties be and is hereby authorised to take and collect from the importers and exporters of the several articles of merchandize, particularized and set forth in the following Schedule, the several rates and dues hereinafter mentioned, in lieu of and as a composition for the town's dues or town's duties now payable on such articles of merchandize, such composition being expressed on the bill of entry by the party bringing the same." The articles are very important, and not very numerous; the reductions made are very considerable, particularly in the article of salt—and salt will frequently come under the notice of the Committee; it is one of the articles that being small in value feels the pressure of the town's dues more than many others. I will now read the Schedule to the resolution of the reductions then made:

	Formerly paid.
"On white salt imported from and exported to foreign parts, 6 *d.* per ton.	2 *s.* per 100 bushels.
On rock salt imported from and exported to foreign parts, 4 *d.* per ton.	1 *s.* 4 *d.* per 100 bushels.
On white salt sent coastwise, 3 *d.* per ton -	1 *s.* per 100 bushels.
On rock salt sent coastwise, 2 *d.* per ton - -	8 *d.* per 100 bushels. 40 bushels to the ton, making 2½ tons to the 100 bushels.
On barley and malt, 1 *s.* per 100 bushels, inwards; and 4 *d.* outwards.	1 *s.* 4 *d.* inwards, and 8 *d.* outwards.
On oats, 8 *d.* per 100 bushels, inwards; and 4 *d.* outwards.	1 *s.* 4 *d.* inwards, and 8 *d.* outwards.
On all other grain (except wheat, which is to be charged as heretofore), pulse and seeds, 1 *s.* per 100 bushels, inwards; and 6 *d.* outwards.	1 *s.* 4 *d.* inwards, and 8 *d.* outwards.
On all dry hides, kips, and calf skins, 2 *d.* per cwt. inwards and outwards.	Numerous and variable.
On all wet hides, kips, and calf skins, 1 *d.* per cwt. inwards and outwards.	Numerous and variable.
On tar, 1 *d.* per barrel, inwards and outwards	2 *d.* inwards, and 1 *d.* outwards.
On turpentine, ½ *d.* per cwt. inwards and outwards.	2 *d.* inwards, 1 *d.* outwards, per barrel.

	Formerly paid.
On munjeet, 4 *d.* per bale, of 100 small bundles, inwards and outwards.	1 *s.* 2 *d.* per bundle.
On mother-of-pearl shells, 2 *s.* per ton, inwards and outwards.	5 *s.* per ton inwards, and 2 *s.* 6 *d.* outwards.
On Orchella weed, 2 *d.* per bale, inwards and outwards.	3 *d.* per cwt. inwards and outwards.
On grapes, 4 *d.* per chest, inwards and outwards. 2 *d.* per box, inwards and outwards - ½ *d.* per jar, ditto - ditto - -	3 *d.* per jar or box."

The council also passed at the same time this resolution: "That the receiver of town dues be and he is hereby authorised to continue to take and collect from the importers and exporters of tallow the sum of 1 *d.* per cwt. only, in lieu of and as a composition for the sum of 3 *d.* per cwt. heretofore payable thereon, such composition being expressed in the bill of entry by the parties bringing the same." There was another resolution: "That the trade between the port of Liverpool and Ireland, the Isle of Man, and the islands in the British and Irish Channels, shall, for the purpose of charging and collecting the town's dues or town's duties, be deemed a coasting trade." And then there is this resolution, which is important with a view to the present position of these very compositions: "That the compositions for the town's dues or town's duties upon the before-mentioned respective articles so hereby authorised to be collected and taken as aforesaid, shall be so collected and taken for the period of three years from and after the 5th day of January next; but that such compositions shall not be or be considered as a relinquishment or abandonment of the rights of the corporation to the receipt and the resumption of the present full amounts of the town's dues or town's duties payable on such articles, from and after the said period of three years, should the common council think proper so to order." Now this resolution was agreed to just before the passing of the Municipal Corporation Reform Act. The three years expired after the Municipal Corporation Act passed. The Municipal Corporation Act makes it unlawful for any council to alter their dues, without the consent of one-half of all the bondholders. Of course, to obtain that in Liverpool would have been impossible. No subsequent resolution of the town council has been passed upon the subject; so that, in fact, if any dues can be legally taken, they would be the dues only which caused the association and resistance of merchants to take place, and which were temporarily reduced by the resolution, which resolution is only to be in operation three years.

44. Was not the verdict entered for the plaintiff, the corporation?—The verdict was entered for the corporation, each party agreeing to pay their own costs.

45. The consideration was, the reduction of the dues?—Yes, the merchants state, that the reduction was their principal object in taking the proceedings. They also state that they expected that the result of the Municipal Corporation Act would be to abolish the peculiar rights of the freemen.

46. In that they were mistaken?—Yes; this was in fact rather a contest between freemen and non-freemen of Liverpool.

47. With regard to the extent of area over which those dues are claimed to be levied, over what area do the Corporation of Liverpool claim to levy those dues?—The corporation claim to levy those dues over the area of the Port of Liverpool.

48. Do you mean the Customs Port?—Yes.

49. What is the extent of the Customs Port of Liverpool?—It extends from a place called the Red Noses, near Hoylake, to the Wyre Water, up to Frodsham Bridge. In fact, it goes to Warrington, including Runcorn.

50. Hoylake is up the Dee, is it not?—Yes.

51. Then it extends to the Ribble?—I believe it does; but I am not very certain about the locality.

52. When was that Customs Port established, and by what authority?—The Customs Port was established in the year 1680, under a Commission granted by the Crown, and directed to certain parties, empowering them to name certain ports and places where goods might be landed or discharged. Prior to that time, of course,

course, there had not been any limits known as the Port of Liverpool, except such as were mentioned in the grant before referred to.

53. Was that Commission issued by Charles the 2d, by which the port was set out, under an Act passed in the 14th year of his reign?—Yes.

54. The Customs Port of Liverpool was set out in 1680, upon which the corporation now claim to levy dues?—Yes; prior to that, the only place designated was, in fact, the place set forth in the grant to the Corporation of London, and in the subsequent lease and purchase from the Molyneux family to the Corporation of Liverpool, viz., "all that our town and lordship of Liverpool," and "all that boat and passage over the water of Mersey there," "all customs, anchorage, and key-towle of the water of Mersey aforesaid, and within the aforesaid town or lordship of Liverpool aforesaid."

55. In what grant is that?—That is the grant of Charles the 1st to the Corporation of London.

56. Charles the 1st, in 1628, granted to them in those words?—Yes. He granted to the Corporation of London; the Corporation of London transferred to the Molyneux family; and in 1670, the Molyneux family transferred to the Corporation of Liverpool. All that was granted or transferred was customs, anchorage, and key-towle of the water of the Mersey there, or within the town or lordship of Liverpool.

57. What is the town and lordship of Liverpool?—The town and lordship of Liverpool is exceedingly confined. I really cannot give the exact boundary, but it is perfectly notorious that the township of Liverpool is very small in extent. I have no doubt that the exact boundaries of the town or lordship will be proved by other parties.

58. It is smaller than the Parliamentary borough?—Decidedly smaller than the Parliamentary borough; there is no doubt, at this time, in ancient days the waters of the Mersey were within the town and lordship of Liverpool, and flowed into the town, where the first docks were originally made.

59. Into the place where the Custom-house now stands?—I believe that was the part.

60. The pool has been since filled up?—Yes. I believe that was filled up by the Dock Estate. The Dock Estate, in fact, made the land which forms the site of the Custom-house. No sooner did the Commissioners fix in this way the limits of the port of Liverpool for the purpose of the Imperial Revenue, than the corporation expanded their jurisdiction, and proceeded to levy over the water of the Mersey without the town throughout, and the limits of the port as constituted in 1680, and they contend that they have the right to demand payment on all goods or merchandise imported into or exported from the port of Liverpool, that had been so created for customs purposes only.

61. The Customs Port?—Yes; in that way they began levying, and have ever since continued to levy from Birkenhead, and at Runcorn; in fact, every where within the port of Liverpool.

62. What is the nature of the claim which the corporation make with reference to those town dues?—Perhaps if I read to the Committee the description which is found in the Report of the Corporation Commissioners, it will be quite as satisfactory, and shorter than any statement that I can make myself.

63. Mr. *Horsfall.*] What is the book to which you are going to refer?—The Appendix, Part 4, to the First Report of the Municipal Corporation Commissioners, containing the Eastern and North-western Circuits. It was ordered by the House of Commons to be printed on the 30th of March 1835. The duties are levied in fact on every article that either comes into or goes out of the port of Liverpool, the area of taxation being extended in the way to which I have just referred. The Commissioners state, "'The duties are levied not according to any fixed and invariable scale, but at the discretion of the common council, who, upon memorials presented to them from the merchants, or from other motives, have from time to time reduced and varied the proportion of these dues. A remarkable instance is furnished in the Orders of the Council of the 5th January 1825, and 2d December 1829, copies of which accompany this Report. Till within 40 or 50 years last past, a brass-plate was fixed up at the Custom-house, specifying the duties on 20 or 30 articles; but a multitude of commodities have since been added to the catalogue; the printed copy of the book of rates for 1827 sent herewith, contains a list of some hundreds; and the brass-plate has disappeared from the time mentioned. When any new article is imported, the duty is capri-

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ciously fixed by the receiver of the town's duties, without any reference to its value; the consequent inequalities will be presently noticed. Articles imported by canal and river from Chester, London, and elsewhere, pay no town's duties, nor do any goods entering the town and port by land; but all merchandizes pay that are landed or shipped wheresoever within the limits of the port, as at Runcorn, Frodsham, and the gunpowder magazines, all of which are in the county of Chester." The Commissioners afterwards go on to say, "How severely the unequal pressure of this impost must affect the interests of the merchants, being non-freemen, is a point that would hardly seem to need illustration; yet as it forms a prominent feature of complaint in the petition for corporate reform from the bankers, merchants, and householders of Liverpool mentioned in the sequel, I think it due to them to advert to the respectable testimony adduced upon this head, especially as the severity of the pressure was by no means admitted by the corporate officers." The evidence of Mr. Joseph Hornby established, that during the last 10 years his house had paid 7,249 *l.* for town duties, of which 5,367 *l.* 11 *s.* 8 *d.* was on their own goods, the rest on goods belonging to their correspondents.

64. *Chairman.*] Who was Mr. Joseph Hornby?—A very well known merchant in Liverpool, who is since dead. The Commissioners go on to say, "In the year 1823-4, they paid 1,413 *l.*, 7 *s.* 9 *d.*, of which nearly 1,000 *l.* was for tallow alone; the duty upon which was formerly 3 *d.* per cwt. This on 15 cwt. would be 3 *s.* 9 *d.*, whilst on the same quantity of sugar the duty was only 4 *d.* However, in 1825, upon a memorial to the common council, they somewhat rectified this disproportionate scale, by reducing the duty on tallow to 1 *d.* per cwt. From the evidence of Mr. George Maxwell, the oppressive nature of these dues in one trade alone (the African) was strongly illustrated. From May 1832 to May 1833, his house had sent six vessels to Africa with a tonnage of 1,592 tons; the town's duties on the cargoes outwards and inwards, amounted to 130 *l.* 12 *s.* During the same period, Messrs. Horsfall & Tobin, members of the corporation, had sent 15 vessels to Africa, with a tonnage of 3,885 tons, upon the cargoes of which, if similar, the town's dues would have been 318 *l.* 4 *s.* 2 *d.* Alderman Sir Thomas Tobin had sent seven vessels, registering 1,849 tons, on which the dues would have been 131 *l.* 13 *s.* 11 *d.*; and Mr. Bold (common councilman) had sent four vessels, tonnage 1,267, on which the duty would have amounted to 103 *l.* 13 *s.* 10 *d.* Of these gentlemen, Mr. Bold was said to be the only native merchant, the rest having all received their freedom by gift. They are largely concerned in other trades: this statement applies to the African alone. Testimony of the like nature was offered by Mr. Joseph Sandars, whose house, upon an average of three years, had paid town's duties to the amount of 765 *l.* 14 *s.* 2 *d.* yearly."

65. Mr. *Watson.*] Are you reading from the Report or the Evidence?—The Report of the Municipal Corporation Commissioners in England and Wales, as presented to the House.

66. What were those Commissioners to inquire into?—I have not got the instructions to the Commissioners; they are the Municipal Corporation Commissioners. They go on to state, "The preposterous inequality of the rates upon different articles with reference to their respective bulks, qualities, and actual value." Some of those articles are found in that list which I have read, which was the subject of reduction as a consideration, as it appears to me, for a compromise and settlement of the action; but I will read them as they stand, and state where the reduction has already taken place. In the case of tar per barrel, it was 2*d.*, the value of it being 15*s.*; flour per barrel, 1 *d.*, value 30*s.*: in both cases, I believe, a reduction has taken place. Sugar per hogshead, weighing 15 cwt., 4*d.*, value 60 *s.* per cwt.; tallow per hogshead, of the same weight, 1 *s.* 3*d.*, value 47*s.* per cwt., and until 1825 it paid 3*s.* 9*d.*; elephants' teeth, the ton, 1 *s.*, value 500*l.* per ton; logwood the ton, an article of similar bulk, 6*d.*, value 8 *l.* per ton; wheat per 100 bushels, 1*s.* 4*d.*, value per quarter, 54*s.* 1*d.*; oats per hundred bushels, 1 *s.* 4*d.*, value per quarter 19*s.* 9*d.*; Scotch wool, the bag, 4*d.*, value 4*l.*; silk, the bale, 2*d.*, value 150*l.*; munjeet, the bundle, five per cent. (was charged 1*d.*) ½*d.*, value 10*d.* On exportation, coals, the ton, pay 2*d.*, value from 9*s.* to 13*s.* 6*d.*; salt, of nearly the same bulk, 2*s.* per 100 bushels, or 9*s.* 2*d.*, or 10 per cent. on its value per ton, value 8*s.*; that was also the subject of reduction at the time referred to. Copper, the ton, in sheets and bolts, 3*d.*, value 100*l.*; iron, the ton, in bars and bolts, 6*d.*, value 7 *l.* 10 *s.*

7*l.* 10*s.*; a box of gold, 1*d.*, value 10,000*l.*; a box of feathers or bran, 1*d.*, not worth 5*s.*; bricks for building, the 1,000, 1*d.*, value 25*s.* per 1,000; fire bricks of the same size, 4*d.*, value 80*s.* per 1,000.

67. *Chairman.*] What has become of the brass plate that is referred to on which the tariff used to be written?—The brass plate has, I believe, disappeared; it has not been seen or heard of for some time. The evidence, which is in fact embodied in the bill of exceptions, states that the brass plate disappeared somewhere about the year 1800, and since that time there has been no official tariff published for regulating the collection of the town dues.

68. How does a person know what he has to pay?—There are unauthorised lists printed from time to time, which generally find their way into the Directories; but I do know that an application was made on the 11th of this month at the Custom-house for an official or authorised tariff, in respect of the town dues; and the party applying was told that they had no such tariff, and that they did not know where it could be obtained. No doubt there is, and must be the greatest possible difficulty and uncertainty in ascertaining what the dues really are that are payable. A letter was received from a Liverpool gentleman the other day, who is prepared to come before this Committee to prove the accuracy of the facts, in which he states, "That an immense amount of town dues is collected by no tariff printed, circulated, or known, but is left to the discretion of the clerks receiving the same, who frequently differ in their views; and this uncertainty as to what is to be paid, offers a temptation to pilfering on the part of young men, chiefly apprentices, who pay those dues. Every shipper or merchant in his entries, wishes to use terms as used in the Customs, Dock, or town dues tariff (for all three are distinct and different), but in the Customs' entry of yesterday,"—his letter was dated the 22d of March 1856—"I find in one day alone, no less than 44 articles to which there is no charge attached in the published tariff of the town dues, excluding what may come under the general description of dry goods." Mr. Lowe stated before the corporation Commissioners, "If an article is imported, not to be found in the lists, then it is entirely discretionary with Mr. Corrie," (who was the collector at that time,) "as he will admit, to fix the amount of duty to be paid. This, by the answer of the corporation to the bill filed by Messrs. Bolton is admitted, but they go on to say that it is always with the concurrence of the merchant. The fact however is, that Mr. Corrie will say, 'Give us 2*d.*'; he will be answered, 'That is too much.' Then he will say, 'Give us 1*d.*'; and in this mode it is that additions are made to the list. Mr. Foster distinctly was unable to inform the Commissioners as to the principle upon which these town dues are fixed, and you will see by the list that they are fixed without any regard whatever being had to specific quality, than that which the officer of the Custom-house may, in his discretion, think fit." The fact is, this state of circumstances necessarily arises out of the nature of the claim made; the corporation claims a right to levy the due upon every article that is introduced into the port. The evidence is clear and distinct, and is over and over again sworn to by the witnesses, and stated in the bill of exceptions as the evidence of the collector and other parties who were in the office at that time, that the dues were collected by that brass plate, which was always placed behind the collector in the Custom house.

69. Mr. *Horsfall.*] Do you mean the collector of those dues, or of the Customs?—I think of those dues. They seem to have been very much connected together. I cannot say, from the evidence, whether it was the officer of the Customs, or of the corporation.

70. *Chairman.*] They are now separate?—They are. I will read what is stated by one of the collectors. This is the evidence of Mr. Richard Brooke: "That the charges of these dues were made according to the said brass table, from 1776 down to the present time; that, of his own knowledge, the said brass table hung, in 1776, in the Town Office, or in the Receiver of the Customs' Office." "And the said Richard Brooke lost sight of it when he went into the adjoining office 18 months afterwards; he carried it to 1787; certainly he had seen it since, but cannot say how long there might be goods not named in that table." Then he goes on to say, "It did not contain an account of every article that is imported, nor any account of tonnage and poundage; it was acted upon as far as it went. Undoubtedly there were many articles of importation not specifically mentioned; that the said Richard Brooke

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sometimes received the dues himself; that when there were any articles not mentioned in that table, he would take an assimilated rate, according to the package, as nigh as could be ascertained, or at a rate corresponding with something in the table; that where an article was not specified in the table, the receiver then exercises his own judgment as to what he charged, with the consent of the persons paying; that whether they consented to it or not, he would have objected to allow an article to be cleared outward or inward till the dues were paid." That is the evidence of one of the collectors. The whole of that evidence is consistent with the facts; and, in fact, the mode suggested by the Chief Justice, in his direction to the jury, involves all the difficulties which are stated. Lord Denman, in the course of the trial, repeatedly observed, that it was very fortunate that his direction would be the subject of re-consideration in another court, and if he was wrong, he would very likely be set right; and I think he must have suspected that he was wrong in this part of his direction; for he says, "that the best mode, probably, of settling what should be paid, was by concurrence between the receiver and the persons liable to pay, and that by assimilation, as near as they could assimilate, to the nature of the thing described." Now, that is the position in which the parties are placed at this moment. I would just ask the Committee, supposing the merchant will not consent, then who is to decide? Supposing the party, says he, will not consent, the collector says he does not think he would have stopped the goods; although he should have objected to let them go. I am merely pointing out the state of facts, exactly as they really do arise. Supposing he does not consent, then how are they to arrange it? Supposing he does consent, is the consent of A. B. to pay 2*d.* to prevent C. D., who comes after, contending that he ought only to pay 1*d.*? The fact, which I put before the Committee, is very important, that the town council themselves have not printed, and I venture to say they feel a difficulty in printing the official tariffs of the town dues; because, if they were to do so, what would be the consequence? New articles of trade are constantly coming into the port. If the town council once took it out of the hands of the collector to determine by arrangement and by any other means which he can, what tax is to be paid upon any new article, and themselves determined what the tax was to be, new articles coming in from time to time would involve the necessity of constant changes of the tariff. Then they would have, at the meetings of their council, at which the representatives of the press would be present, this state of things constantly brought under the notice of the district: "The Corporation of Liverpool are, at almost every meeting, levying taxes, and fixing the amount of those taxes upon every article of fresh importation that is from time to time coming into the port." I think it must be obvious that there are very sufficient reasons why it should be rather left to be settled in any way in which it can be settled by the collector, who says, "Give me 1*d.*, give me 2*d.*, give me 4*d.*," according to the article. If he cannot get 4*d.*, he will take 2*d.*; and if he cannot get 2*d.*, he will take 1*d.* It must be perfectly clear that he has nothing to guide him. The facts which he himself has sworn to, as to some extent guiding him in his decision, are perfectly delusive. He says he determines by the size of the package, or anything else which may arise. That is the state in which the dues rest at the present moment. Ever since the brass plate disappeared, there has been no record of the ancient dues. I believe the subject of contention, in every case which I have been able to discover, has been as to the liability to pay ancient fixed and certain dues, the ancient dues in Liverpool referable to the brass plate; but new dues from time to time are imposed; and Lord Denman, in his direction to the jury, made this observation, which is not unimportant. He said, that as far as this action was concerned, at any rate the objection could not arise, because all the dues which were complained of by Mr. Bolton, were dues which were named in the brass plate; and therefore, as far as those defendants were concerned, the objection to imposing dues on new articles would not arise; but the very observation seems to admit the force of the objection urged.

71. Are any of those dues levied on necessaries of life?—Yes, I have a return here. It is a comparison of imports of grain into Liverpool for nine months ending the 30th June of the years 1848, 1849, 1850, 1851, 1852, and 1853. I only refer to this return for the purpose of showing that the corn law is not absolutely repealed; at any rate there is still a corn law existing as far as Liverpool is concerned. I made a calculation of the amount of town dues which would

would be paid upon the bread stuffs, which are stated to be imported and exported during nine months, and it will be seen what a very large amount of those articles is brought from Ireland; the amount of the dues would be something like 8,000 *l.*

72. Mr. *Watson.*] How many quarters?—It is a rather difficult calculation. I can give you all the information I have; I will state the quantity, and then I will show how I calculated the dues. This is the return of Robert Procter, a corn broker, in Liverpool. I have not been able to get the returns for the last year; it is the year 1852–3. First they give importation; it begins October 1st, 1852, and ends June 30th, 1853. There were 8,439 English quarters of wheat; 5,310 Irish quarters, 544,148 foreign quarters of wheat; colonial quarters 15,100. Then of flour there were English sacks 6,552; Irish sacks 16,033; foreign sacks 153,734; foreign barrels 725,079; colonial barrels 28,961. Then of oats, English quarters 13,517; Irish quarters 137,311; foreign quarters 3,040. Then of oatmeal, English loads 6,213; Irish loads 320,865. Then of Barley, English quarters 10,675; Irish quarters 9,611; foreign quarters 12,338. Beans, English quarters 2,247; Irish quarters 5,412; foreign quarters 62,922. Peas, 9,275 British quarters, and 8,725 foreign quarters. Indian corn, foreign quarters 204,275. Indian corn meal 111 foreign barrels. Then there appears to have been exported during the same period, wheat, Colonial and Irish quarters 102,838, and 800 foreign quarters. Flour coastwise and Ireland 43,306 sacks, and 185,054 barrels, and 21,327 foreign barrels. Oats 1,244 quarters coastwise, 6,293 quarters foreign. Barley, 471 quarters coastwise, 199 quarters foreign. Beans, 2,517 quarters coastwise, 77 quarters foreign. Peas, 464 quarters coastwise, 116 quarters foreign. Indian corn, 81,868 quarters coastwise, 86 quarters foreign. Indian corn meal, 6,791 barrels coastwise and Irish, and 16,085 British and foreign loads. In order to ascertain the duty, it is rather a complicated calculation, because the quantities making the ton vary; for instance, you have to take five quarters of wheat to make a ton; 10 loads of oatmeal to make a ton. You have to take eight sacks of flour to make a ton. The due is 6 *d.* per ton upon all bread stuffs. There is a different calculation in order to turn each article into tons.

73. Mr. *Watson.*] How many quarters of wheat are there to a ton?—Five quarters. That would be 6*d.* upon five quarters; the total is about 8,000 *l.* in every nine months.

74. Mr. *Beamish.*] Import and export?—Yes.

75. *Chairman.*] Do any of those duties fall upon the raw material of manufactures?—The duty falls upon all raw materials of manufacture; but the most important article, as far as our district is concerned is, of course, cotton. I have already shown, that upon one day, the town dues upon cotton would amount to 840 *l.*, but I would rather leave other parties, who have really obtained the statistics as to the amount of cotton, to speak upon that point; of course, the effect of those dues may be shown in many ways. For instance, James Collier Harter & Co., of Manchester, who are one of the largest importers of indigo, tea, and other articles, pay town dues upon their own importations to the amount of upwards of 150 *l.* a year, which is about seven times as much as they pay for all the local rates of Manchester on their business premises, which, of course, goes in reduction of the local rates of Liverpool, as will be afterwards shown. Messrs. Simpson & Potter, at Runcorn, pay Liverpool town dues to the amount of 200 *l.* a year, principally on the export of salt, which amounts to about 20 times the local rates levied on their property in Runcorn; theirs is one of the largest establishments in Runcorn. I believe the amount paid upon cotton will certainly not be less than 17,000 *l.* a year, besides all town dues which are paid upon the articles made out of cotton which pass through Liverpool again for exportation. Mr. Blackwell stated before the Shipping Dues Commissioners, on behalf of the South Wales coalmasters, that an export trade was beginning to spring up from South Wales by railway to Birkenhead, and thence by sea, and that he himself had recently taken the minerals in an estate upon a royalty of 2 *d.* a ton, with a view to exporting the produce in that way. He showed that upon all the coal thus exported the Liverpool town due of 2 *d.* per ton was equal to the sum paid to the landlord for the fee-simple of the mineral; and he stated that the effect of this tax was to depress the trade to the injury of the South Wales district. The representatives of the railway and canal companies confirmed this statement, and complained that they, as carriers, suffered not only

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by the trade being depressed, but also by its being diverted. The representatives of the proprietors of the railways terminating at Birkenhead stated, that the coals and other produce of Wales, which would naturally be brought to Birkenhead, were shipped instead at Chester, where there are no town dues. The representative of the proprietors of the Bridgwater Canal stated, that there was a large trade in the import of iron ore from Scotland to be used in Staffordshire and Warwickshire; as much as 78,000 tons used formerly to be landed at Runcorn, and sent up the country by the inland navigation, that being at the time the only means of importing it. Now the railways have opened a communication to Morecumbe and to Fleetwood to the north of Liverpool, and to Chester on the west of it, and the import at Runcorn has sunk to 54,000 tons." I have a letter also from Wareham, in Dorsetshire, from a gentleman there, who sends a large quantity of clay round coastwise—through Runcorn to the Potteries; he states that the amount of town dues which he pays upon his clay is not less than 100 *l.* a year; whilst a gentleman who is in the same business, who happens to be a freeman of London, is entirely relieved from the charge, and his dues, if he paid them, would amount to no less than 200 *l.* a year. He complains of the hardship which he suffers in that respect, and the injustice.

76. Sir *J. Duckworth.*] What is that gentlemen's name?—I have not the letter here; I will take care at the next meeting of this Committee to give both the names.

77. Will he be here?—He writes proposing to come and give evidence, if the Committee think it desirable; he is quite prepared to come up and state the fact more in detail. In order to show the effect of those dues, I will show what the effect is as between freemen and non-freemen in Liverpool, because, as far as we in Manchester are concerned, we are in the position of non-freemen; only with this difference, that we have no interest whatever, and do not benefit in any way by the expenditure of the town dues. In all other respects, anybody carrying on similar trades out of Liverpool would be in the position of the non-freemen who are making their complaints in this particular case. It is stated in Mr. Finch's pamphlet, that "a merchant gained in his business last year 200 *l.*, and that, salt being cheap, he intended to speculate pretty extensively in that article. It is now selling at about 6*s.* per ton; and as he is a freeman, and consequently is exempt from the payment of the town dues of 3 *d.* per ton, this gives him a profit of 4 *l.* 3 *s.* 4 *d.* per cent. upon his salt more than can be obtained by any other merchant in town who is not a freeman; and if he load his vessel with coals, brought coastwise, stored in Liverpool and sold at 7 *s.* per ton, his extra profit over every other merchant, not a freeman, is 4 *d.* per ton, or 4 *l.* 15 *s.* per cent. Thus, in these keen times of competition, as he has the same privilege upon all the goods he either imports or exports, he will be gaining a fair profit upon his business, whilst every other non-freeman merchant is suffering a loss. No other Liverpool merchant can compete successfully with a freeman under such circumstances. There are two classes in Liverpool, freemen and non-freemen, and the free merchants ride upon the backs of the latter, and they cannot shake their burden off. One free merchant and free-trade merchant cheerfully pocketed 200 *l.* last year by his unjust privilege of exemption from taxation; and we have no doubt that that sum would more than pay all his direct Government and all his local taxes. Are not we, who are not Liverpool freemen, then, doubly his slaves? We must be relieved of this unjust burden. Either all persons must pay the town dues and taxes, or none must pay them." I read this to show merely what is the benefit obtained by parties who do not pay those town dues, as compared with those who are called upon to pay them. The non-freemen are in the same situation as the foreigners, as we are called in Manchester and elsewhere, with this difference, that in the expenditure of the town dues they benefit to a large extent.

78. *Chairman.*] With regard to the consideration which the shipping interest receive for those dues, have you turned your attention to that so as to know what proportion of the town dues are applied to the benefit of shipping or trade?—The case, as put by the Liverpool Corporation, is certainly very simple, short, and intelligible. The answer given to the Shipping Dues Commissioners upon the inquiry was in the following terms: "There are not any obligations imposed on the corporation in respect of their receipt of these dues; the amounts levied are paid into and form part of the borough fund of the Borough of Liverpool." Now, I think it will be very easily shown to the Committee that the practice of the

the corporation is in perfect agreement with that statement, and that, whilst it is attempted to prove that the expenditure of town dues is to a large extent for the benefit of shipping, although all legal obligation is absolutely denied, I think I shall have no difficulty in satisfying the Committee that it is a very small portion indeed of the expenditure by which shipping can be said to be to any extent benefited. I will show the Committee, not only what was the expenditure before the passing of the Municipal Corporation Act, which made a certain change in the position of the corporation, but also what has been the expenditure since. Before the Municipal Corporation Act, of course, it is well understood that the corporation had absolute power over funds of this description, to spend them and deal with them in any way they thought fit. Subsequently to the Municipal Corporation Act, their control has been to a certain extent interfered with; their right to deal with the funds has been interfered with, and they are now required to spend them in the mode thereby prescribed. I am able to show the Committee, upon the best authority, for what purposes the funds were spent prior to the Municipal Corporation Act, for I have a statement here made by the town clerk of Liverpool before the Corporation Commissioners, when great objections were made as to the mode in which the corporation had dealt with those dues; that they had been expended, it was urged, in building churches, erecting statues, and in a variety of ways of which the inhabitants, the non-freemen particularly, were complaining. The Committee will soon see that the town clerk of Liverpool was addressing the non-freemen particularly, and showing them that they ought to be as well satisfied as the freemen with the mode in which the Corporation of Liverpool had dealt with the town dues.

79. Upon what occasion was this speech made?—It was addressed to the Municipal Corporation Commissioners on the 28th November 1833, when they were holding their inquiry in Liverpool.

80. The town clerk was Mr. Foster at that time?—Yes; the town clerk said, "You have it on your notes, sir, and also from the evidence of several gentlemen, that by far the greatest proportion of these town dues is, in point of fact, paid by foreigners; that is to say, it is not a tax upon the inhabitants of Liverpool, whether freemen or non-freemen. I think I may fairly infer from the evidence of Mr. Myers, Mr. Bolton, and Mr. Hornby, that by far the greatest proportion of these town dues is paid on account of persons living at a distance from the town of Liverpool. (Cheers.)" I shall venture to read the cheers, because they show what was considered the most important parts of Mr. Foster's statement. "Is it not, then, a most remarkable fact, that at no period of time has there come before the common council any petition, complaint, or remonstrance from any person abroad as to the payment of these dues? Sir, as a matter of fact, it is notorious that the contrary is the case; and I tender it as evidence that there is no record or proceeding to show that there ever has been any complaint made by any person in Manchester or in any other town, or by persons resident abroad, or by any individual abroad, of the oppression or injustice of these town dues. (Cheers.) I therefore come to the conclusion, that the whole inhabitants of Liverpool, whether freemen or non-freemen, are benefited by the payment of these dues, and by the improvements in the town which they furnish the means to execute. (Cheers.) That other towns in England, and the inhabitants of those towns, are liable to severe taxation for such purposes, I need not state to you; because you are well aware that in the large towns of England, and I need go no further than Manchester as an example, the inhabitants are liable to very heavy rates for the maintenance of the police, and for defraying almost the ordinary expenses of the administration of justice; I speak of these expenses as acts of necessity, without which neither property nor life would be secure in large towns; and to these I may add the pulling down of old buildings, the widening of streets, the building of markets, and various other improvements calculated to promote the health, convenience, or advantage of the inhabitants. In the town of Manchester, the greatest improvement that has been effected is the widening of Market-street; and how was that done? How is every improvement in Manchester accomplished? Why, sir, by a rate laid upon the inhabitants of the town. (Loud cheers.) It is the same in other towns; every householder, every individual possessing property, is rated for improvements, whether he is a freeman or not. And let us contrast their situation in this respect with that of the people of Liverpool. What

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should we have done but for this expenditure? Besides paying for the police, and other charges which I have enumerated, a very large proportion of the poor-rates of this town is paid out of the town dues. The total amount of the poor-rates is about 60,000 *l.* per annum, and towards that amount a sum of between 5,000 *l.* and 6,000 *l.* is annually paid by the corporation out of these very town dues. (Loud cheers.) It cannot be said that all this is for the benefit of the burgesses only. I say that the poor of the town, the rate-payers, and the whole of the inhabitants of the town are largely benefited by the payment of these town dues. (Cheers.)" Mr. Foster clearly and distinctly states there that the expenditure was for the benefit of the inhabitants of Liverpool, whether they were freemen or non-freemen; and he shows what kind of expenditure he was really referring to, and that it was an expenditure connected with the police, the administration of justice, and all the other purposes which he states are absolutely necessary for the protection of life and property, for which we in Manchester have been so heavily taxed. I must say I thought it rather unkind that our friends in Liverpool should receive that statement with loud cheers. That is the state of things up to the passing of the Municipal Corporation Act. Now when the Municipal Corporation Act passed, by one clause, I think, the 92d clause, it certainly does become the law that any dues which are in the possession of the corporation, for that is one of the items mentioned, are to be paid to the credit of the borough fund, to be applied for certain purposes which are specified, and the surplus is to be expended for the benefit of the inhabitants at large; and the Committee will see that the Corporation of Liverpool have carried out the law as established by the Municipal Corporation Act. My object is not to make any complaint against the corporation as to the mode in which they have expended the dues, but it is to show how the money has been expended, and that such expenditure is consistent with the present law, in order, as I trust, to make out in the strongest mode the necessity of the law being altered. The Municipal Act made that change, and therefore it is natural that the expenditure should be such hereafter, as I will show it has been. Mr. Foster, the town clerk of Liverpool, stated in 1833 what had been the mode of expenditure prior to the Municipal Corporation Act. Now I will show the Committee what has been stated by other parties at a more subsequent date. My object is to show that the expenditure has been entirely for the benefit of the town, and not for the benefit of the shipping. In 1851, when the inquiry was going on before the House of Commons with regard to the Liverpool Docks Bill, it was stated by Mr. Bramley Moore, who was at that time chairman of the Liverpool Docks, that "the total amount of town dues, after paying all expenses, is, I think, about 91,000 *l.* The council do nothing for the docks or the dock estate with this money." That is the statement of Mr. Bramley Moore, the present Member for Maldon. "All which they receive is appropriated entirely to the borough. The dock estate pays a portion of the expense of the watching and lighting, about 16,000 *l.* a year. The dock estate repairs the streets along the quays. The expense of that is very considerable. Those streets are public thoroughfares, and not merely for the use of the docks." Again, Mr. Bramley Moore reiterated that statement when under cross-examination; he says, "I do not see that the dues have been applied in a manner beneficial to commerce. They have been expended on the improvement of the town, and on other things connected with the town, for the benefit of the town, but I am not aware of any special application to the dock estate. The application of the town dues in widening the thoroughfares of Liverpool has been beneficial to all the inhabitants." That is the evidence given by Mr. Bramley Moore when there was an attempt being made to prove that the expenditure had been specially beneficial to trade and commerce. I think I shall show very clearly that such statement is perfectly correct, by submitting to the Committee one of the annual statements of the Corporation of Liverpool. I will refer to the annual statement of receipts and expenditure in connexion with the borough fund, from the 1st September 1852 to the 31st of August 1853; which is the last return which I have been enabled to obtain. It appears that the total amount of ordinary receipts is 167,154 *l.* 13 *s.* 3½ *d.*, of which the town dues after the expenses of collection are deducted amount to 115,356 *l.* 16 *s.* 11 *d.* Now the only items in this account which can, as it appears to me, be said to be in any way directly or indirectly applicable

applicable or beneficial to the commerce and shipping are four. Of course the 115,356 *l.* was the amount obtained from ships and commerce, and they only benefited by four items in the account which I have referred to; viz., rates under the Wallasey Embankment Act, 1,665 *l.* 2 *s.* 8 *d.* There is, I believe, a special Act of Parliament, which casts a certain expenditure upon the corporation.

81. That is money expended in banking out the sea?—I think it is at Wallasey.

82. Mr. *Moffatt.*] Thereby improving the port?—To a certain extent; it is a considerable distance from Liverpool; but of course it is an item which appears to be beneficial to shipping.

83. *Chairman.*] The corporation receive rates as proprietors of that embankment, do they not?—I am not aware of the circumstances; no doubt that information will be given.

84. Mr. *Horsfall.*] The Commissioners levy rates, and not the corporation?—The Commissioners levy rates, and not the corporation; and the corporation pay a certain proportion. Rates under the Wallasey Embankment Act, 1,665 *l.* 2 *s.* 8 *d.*; then the North Landing Stage, 889 *l.* 9 *s.* 7 *d.*; chain-cable testing, 80 *l.* 18 *s.* 9 *d.*; conservancy of the River Mersey, 2,135 *l.* 0 *s.* 5 *d.*; a considerable portion of which amount appears to be for the hiring of steam-tugs and other expenses connected with the removal of wrecks. The total of those items is 4,770 *l.* 11 *s.* 5 *d.*, which appears to have been in some degree an expenditure for the purposes of the port. I find, on referring to the accounts for 1849 and 1852, that the amounts in respect of those four items are very much the same: in 1849, 4,830 *l.*; in 1852, 4,602 *l.*; so that they seem pretty nearly the same amount for each year. Now the expenditure set forth in this account is, first of all, general interest account, 26,901 *l.* 1 *s.* 8 *d.*; annuities, 940 *l.*; grant to the mayor, 2,000 *l.*, including expenses of carriage; cash paid salaries and stipends of the recorder and a variety of other officers, as well as the stipends of clergymen, 4,305 *l.* 7 *s.* 6 *d.*; general law and Parliamentary expenses, 3,347 *l.* 5 *s.* 3 *d.*; term clerks' department, 1,503 *l.* 9 *s.* 3 *d.*; treasurer's department, 1,113 *l.* 17 *s.* 4 *d.*; surveyor's department, 1,717 *l.* 8 *s.*; lave-lookers, 367 *l.* 6 *s.* 1 *d.*; district building surveyor's department, 564 *l.* 15 *s.* 10 *d.*; weights and measures department, 674 *l.* 1 *s.* 5 *d.*; Town-hall, 204 *l.* 19 *s.* 7 *d.*; sessions house, 59 *l.* 5 *s.* 8 *d.*; Town-hall establishment, 1,857 *l.* 2 *s.*; establishment of the sessions house, 388 *l.* 3 *s.* 1 *d.*; law courts, 1,722 *l.* 18 *s.* 9 *d.*; that is, St. George's Hall establishment and the law courts; judges' lodgings, 551 *l.* 12 *s.*; mayor's stables, 164 *l.* 12 *s.* 9 *d.* Then there are the establishments of five churches, namely, St. George's, St. Luke's, St. Michael's, St. Martin's, and St. Thomas's, making together 3,421 *l.* 7 *s.* 2 *d.*, as the amount paid; establishment of public schools, 1,971 *l.* 7 *s.* 10 *d.*; public walks and gardens, 124 *l.* 18 *s.* 1 *d.*; free public library and museum, 447 *l.* 19 *s.* 11 *d.*; observatory, 370 *l.* 10 *s.* 7 *d.*; chain-cable testing machine, 80 *l.* 18 *s.* 9 *d.* Then certain rates and taxes, 1,770 *l.* 15 *s.* 8 *d.*; rates under the Sanatory Act, 5,000 *l.*; rates under the Wallasey Embankment Act, 1,665 *l.* 2 *s.* 8 *d.*; exhibition rooms, 170 *l.*; slaughter-houses, 240 *l.*; insurance from fire, 703 *l.* 16 *s.* 6 *d.*; north landing stage, 889 *l.* 9 *s.* 7 *d.*; wash-houses, Frederick-street, 11 *l.* 9 *s.* 1 *d.*; wash-houses and baths, Paul-street, 216 *l.* 18 *s.* 5 ½ *d.*; general repairs, 1,698 *l.* 18 *s.* 6½ *d.*; conservancy of the River Mersey, 2,135 *l.* 0 *s.* 5 *d.*; general disbursements, 670 *l.* 15 *s.* 4 *d.*; municipal and Parliamentary elections, 1,409 *l.* 9 *s.* 6 *d.*; cash paid on account of accumulating fund, under the Borough Fund Act, 1840, 3,858 *l.* 5 *s.* 11 *d.* Then we come to the expenses of the constabulary and police force, 53,991 *l.* 7 *s.* 4 *d.*; that is the total expense of the police. Then there is credit taken for the amount paid by the Dock Committee of rather more than 19,000 *l.*, and there is also credit of the watch-rate for 1852, due from overseers of the parish and out townships, voted by the council out of the surplus income for the current year, 11,442 *l.* 10 *s.* 9 *d.*; leaving with the expense of the police stations and bridewells, the balance that has to be paid out of the borough fund account, 23,894 *l.* 2 *s.* 2½ *d.*; lighting and fire police, 5,263 *l.* 19 *s.* 4 *d.*; establishment of the borough gaol, 7,388 *l.* 5 *s.*, and cash paid on account of the borough gaol, 93 *l.* 8 *s.* 11 *d.*; prosecutions at the assizes and sessions, 1,311 *l.* 16 *s.* 2 *d.*; coroners' inquests, 1,176 *l.*; clerk of the peace, 13 *l.* 13 *s.* Then there is county expenses, 6,188 *l.* 19 *s.* 6 *d.*, leaving a balance, being surplus income over ordinary

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expenditure carried forward to extraordinary account, 46,584 *l.* 7 *s.* 9 *d.* That statement I bring under the notice of the Committee, for the purpose of showing how the corporation themselves account for the expenditure of the whole of the town dues in that year; and I believe all the other accounts will be found to correspond pretty much with this statement; and for the purpose of showing that out of 115,000 *l.* odd, at any rate only 4,700 *l.* can be said to have been spent in any way for the benefit of commerce; and also to point attention to the fact, that out of an expenditure of 53,000 *l.* on account of police, there is a charge made direct to the Dock estate, which of course is paid out of the dock dues of 20,000 *l.* nearly, on account of that item of expenditure. That appears to be a very liberal contribution on the part of the Dock committee. Then, amongst the extraordinary payments, I find, "Amount voted by the Council in aid of the undermentioned Districts of the Borough, being an Amount equal to that payable by each of such Districts in respect of Watch-rates;" and then follows the statement: "Liverpool, 8,525 *l.* 19 *s.* 4 *d.*; Kirkdale, 241 *l.* 2 *s.* 1 *d.*; Everton, 661 *l.* 10 *s.* 5 *d.*; West Derby, 576 *l.* 4 *s.* 10 *d.*; Toxteth Park, 1,437 *l.* 13 *s.* 1 *d.*:" making a total of 11,442 *l.* 10 *s.* 9 *d.*; that being, in fact, the amount of credit taken in the previous portion of the account for the watch-rate made for 1852; but the fact being that the watch-rate is not made at all, or, if made, it is not levied; the amount which would be paid out of the watch-rate is really paid out of the surplus income arising from the town dues. I will not trouble the Committee with going through the items of expenditure in Manchester, for the purpose of showing what are the rates which we unfortunately have to pay for those purposes which are stated to be so necessary for the preservation of life and the security of property; but it will be found, if I run over the items, that our borough rate is made for similar purposes. We had to provide for the same expenses, for the officers of the corporation, the corporation election expenses, the expenses at quarter sessions, borough court expenses, miscellaneous expenses, city and general expenses, purchase of manorial rights, inspection of slaughter-houses, public walks, constabulary force (that item being 30,418 *l.*), weights and measures department, fire-engine department, emptying and cleansing privies and ash-pits, building and sanatory regulations, nuisance department, hackney-coach department, and free library. The total amount which had to be raised was 85,254 *l.* 13 *s.*; and I may state that our assessment is something like 1,250,000 *l.*, upon which that rate has to be made, whilst the assessment in the borough of Liverpool is about 1,400,000 *l.* where no borough rate is made or required.

85. Sir *J. Duckworth.*] Can you state what that is in the pound?—I believe it is 1 *s.* 9 *d.*, as nearly as possible.

86. Mr. *Vance.*] The whole rates?—No, not the whole rates; that is on account of the expenditure only which, by the Municipal Corporation Act, is required to be raised and paid by means of the borough rate, or, in case of there being a borough fund, out of the borough fund; but, in addition to that rate, during the same year we have had to levy within the city of Manchester, in the shape of rates, for expenses of lighting and cleansing, or highways, or paving and sewering, and for water, upwards of 130,000 *l.* Those items of expenditure are raised in Manchester, as no doubt they are in Liverpool, by means of other and special rates authorised and required to be levied for such purposes.

Lunæ, 21° *die Aprilis*, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Mr. Hardy.
Lord Hotham.	Mr. Vance.
Mr. Duncan.	Mr. Horsfall.
Mr. Milner Gibson.	Mr. Moffatt.
Mr. Watson.	Mr. Fenwick.
Mr. Bouverie.	Mr. Cardwell.
Sir John Duckworth.	

THE RIGHT HON. ROBERT LOWE, IN THE CHAIR.

Joseph Heron, Esq., was called in; and further Examined.

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87. *Chairman.*] HAVE you anything to add to your evidence, with regard to the consideration given to shipping for the Liverpool town dues?—I am anxious to place before the Committee one fact which I omitted on Friday, not with regard to consideration, but for the purpose of showing the extreme difficulty which there necessarily is, under present circumstances, in ascertaining the amount of the town due which may be payable. I stated on Friday, that on 11th April, there were 44 articles entered, which were not named in any printed tariff, and the only class or denomination under which they could be placed would be "dry goods." Now, on looking to the old brass plate to which reference has been made, I find dry goods are mentioned, and three descriptions of packages are given, which are set forth in the bill of exceptions; a case of dry goods, a chest of dry goods, and a box of dry goods, and the toll is 4 *d.* inwards, and 2 *d.* outwards on a case and chest, and 2 *d.* inwards, and 1 *d.* outwards on a box. Now, in the printed list, which is stated to be unofficial, but which is set forth in the Report of the Shipping Dues Commissioners (I refer to that as the best authority), I find that there are now a considerable number of other descriptions of packages; there is a butt, a puncheon, a hogshead, a case, a chest, a bale, a tierce, a barrel, box or truss, a hamper, and a trunk.

88. The chest was enumerated on the brass plate?—Yes; but those additional descriptions have found their way into the present list; now amongst the articles named which were entered on the 11th April, I find nitrate of soda 1,203 bags, and carbonate of soda 220 kegs; sulphate of soda is named in the printed list, but the Committee will see that neither bag nor keg is a description of package named in any list, and therefore it is quite obvious that it must be a matter of mere wrangle as to what due is to be paid; and that the amount fixed, in all probability, will depend very much upon the humour in which they happen to find their collector. That is what occurred in looking over a list passed on one day only; of course what occurs one day may be constantly occurring.

89. The printed list is an extension of the brass plate; that is, if there is any printed list?—Exactly. I presume that a printed list is made out from time to time, not by any official authority of the corporation, but from the mere fact that other descriptions of packages are brought, and other descriptions of articles imported and exported from time to time, and that those get added, and make their appearance probably in the next printed list. My object in bringing these facts before the Committee is for the purpose of showing, which I think the evidence does show, that there is the greatest possible uncertainty as to these dues, except so far as the articles are stated on the ancient brass plate or table, and that they are assessed in a capricious and arbitrary manner, not by any clear and certain rules, nor by any legal or competent authority, for they are admitted to be fixed by the discretion of the collector, and that they are unreasonable, and as uncertain as they are unreasonable in amount; and I have endeavoured to show that nearly all the amount obtained is expended for the benefit of the town of Liverpool in reduction of the rates, and not for the benefit of the shipping. I will now show to

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the Committee what was formerly the practice of the corporation with reference to the expenditure of the town dues I have already shown to the Committee that in 1691, in the bill filed against the freemen of Lancaster by the corporation, they declared that the consideration for the town dues was the grievous and heavy expenditure which they were put to in clearing the port; and in 1695, in answer to the bill which had been filed against the corporation by the freemen of London, they put forth the same title, and declared that they were under the same responsibility.

90. Mr. *Watson.*] Did you read that before?—Yes; in 1695 it was the answer to the bill which was filed by the freemen of London. Now I will show by extracts from the books of the corporation that that statement was in exact accordance with the fact. In 1751 a petition was presented by the mayor, bailiffs and burgesses of Liverpool to the King in council, for the purpose of extending the privileges of the burgesses; and I shall only read that portion of the allegations which applies to this particular point: "Your petitioners have for several hundred years been in possession of all the wastes, waste ground and shore within the liberties of the said corporation (which are publicly rode every year), on part of which they have built a church, and on other parts three docks and several walls for the security of your Majesty's navy when in that port, as well as for that of the town shipping, and will, if needful, extend them further for such like or other good purposes for the advantage of the said town in general; but as a doubt might hereafter arise whether the waste shore is included under the general words aforesaid——" That is the whole of the paragraph that it is necessary to read to show a distinct declaration that the Corporation of Liverpool did, prior to that time provide accommodation for shipping.

91. Mr. *Vance.*] What year was that?—In 1751.

92. *Chairman.*] A petition to whom?—To the Crown; to the King in council.

93. What was that petition for?—To extend the privileges of the burgesses, and the ground upon which the petition is presented is the great expense they had incurred for the benefit of commerce as well as for the benefit of his Majesty's navy. Here is an extract also from the proceedings of the corporation at a much earlier date, in 1651: "Sunday being the 9th of November this year, and next after the great wind and storms aforesaid, Master Mayor called the whole town, as many as then were at home, together into the hall, where they counselled all in one consent and assent for the foundation and making of a new haven."

94. Mr. *Horsfall.*] That is also merely an extract, is it not?—It does not give the whole record; which is, however, in possession of the corporation, and I have no means of producing it.

95. *Chairman.*] What is the book you are reading from?—This is a verbatim report of the proceedings of the Court of Inquiry into the state of the Corporation of Liverpool before the Corporation Commissioner in 1833, printed in Liverpool, I believe by the Corporation of Liverpool. Again, there is this entry in the 19th of Elizabeth, which is somewhat singular, at page 280 of the same book: "In this Convocation, it was inquired of the repairing the key of this river being sore gone to decay, and it was thought good to move all owners of ships, barques, boats, and other vessels if they would bestow but every man 4*d.* towards the amending and repairing thereof, and so the town to make up the rest, and have repaired." Then there is another entry on the 20th of February 1637, page 283: "It is ordered by the assembly aforesaid, that a bridge where the sluices shall be made at the pool upon the south side of this town, in some convenient place there, as shall be hereafter appointed by this assembly. That a key and harbour may be made there for the succour of shipping within this town." Now, those entries I quote for the purpose of showing, that before the proceedings in 1691 and 1695, this had been the practice of the corporation; that they had been put to a considerable expense, as they then stated, in providing accommodation for shipping. I will now bring under the notice of the Committee the first and several of the subsequent Dock Acts, because it will be found, from the recitals in the first Dock Act, as well as from the nature of the subsequent statutes upon the subject, that the liability of the corporation, or at any rate the expenditure of the corporation after the first Dock Act, was, as it had been before, to a certain extent for the benefit and for the accommodation of the shipping. The first Dock Act was obtained in the eighth year of the reign of Anne, 1708, c. 12; a part of the recital is, "And whereas it is conceived to be highly necessary, for the preservation

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not only of merchant ships, but also of Her Majesty's ships of war, that a convenient wet dock or basin should be made, and that at the entrance into the said port and harbour buoys should be placed and necessary landmarks erected for guiding and directing Her Majesty's commanders of ships of war, and all other mariners and traders trading to and from the said town and port; all which will be a means greatly to encourage trade, advance Her Majesty's revenues and the public good, not only of the said town and port and the counties adjacent in particular, but of the nation in general: And whereas the mayor, aldermen, bailiffs, and common council of the said borough, in council assembled, in order for making the said dock or basin, have granted a piece of ground, containing four acres or thereabouts, parcel of the waste of and belonging to the said borough and corporation, lying in or near a certain place called the Poole, on the south side of the said town of Liverpool, wherein such dock or basin may be made, the same to remain to and for such use and uses for ever; but forasmuch as making the said dock or basin, and the sluices and canals thereto intended to belong, and for preserving and maintaining the same (when made), will cost more than the inhabitants of the said borough and corporation can raise, and that the same cannot be effected without the aid and assistance of all trading persons to and from the same; and that the hazard and danger all ships are exposed to for want of such advantages being by this means in a great measure taken away." It is distinctly stated that the expense of the proposed harbour is more than the corporation can afford to lay out, and they apply to Parliament for the powers of this Act, and power is granted to levy dock dues for the period of 21 years, and a certain portion of the dock dues is authorised to continue for the purpose of keeping and maintaining the dock afterwards in repair. There is another clause to which I am anxious to call the attention of the Committee, by which nine Commissioners are appointed to inspect the accounts, whereof three are to be nominated yearly by the corporation, three by the justices of the peace for the county of Lancaster, and three by the justices of the peace for the county of Chester. By the 11th Geo. 2, c. 32, additional powers were obtained by the corporation for making what is called the Salt House Dock. The Act shows that seven acres of land were granted by the corporation and 1,000*l.* out of the common stock of the corporation towards the expenditure, which it was proposed should be incurred. By the 2d of Geo. 3, c. 86, further powers were granted for obtaining additional sums of money, when it was proposed to construct what is called St. George's Dock, and for that dock also the land is given by the corporation.

96. Mr. *Watson.*] Those are commissioners?—No; the powers are obtained by the corporation. I shall show the Committee when the powers are transferred to nominally another body, but by the Acts named all the powers I have been referring to are obtained by the corporation. By the first Act there were auditors, as they were called, appointed, three by the corporation, three by the justices of Lancashire, and three by the justices of Cheshire. The next Act which was obtained is the 25th of Geo. 3, c. 53, but in that Act it is not suggested, nor is it the fact, as I shall be able to show to the Committee, that any land was given by the corporation for the purpose of the docks, because, after 1785, which is the date of that Act, I shall show to the Committee that the corporation ceased in any way to assist in the formation of docks or to make any contribution towards the expense, and from that time, instead of getting anything from the corporation, the corporation benefited very largely by the amounts which they received from the docks. That is the position up to the present time, so far as the dealings appear upon the face of the Acts of Parliament. It is alleged that the corporation have, out of their funds and by other means, expended large sums of money in which the docks have benefited. It has been stated, that by the improvements which have been from time to time made, the trade and commerce of the district have been largely benefited, but I believe that it will be found that where the improvements have been in the neighbourhood of the docks, large sums of money have been contributed out of the dock funds towards such expenditure; and in one of the Dock Acts there is a clause to which I will refer the Committee, because it shows clearly that such contributions are authorised by the Acts obtained, and the evidence will show you that they have been made. In the statute the 39th of Geo. 3, there is a clause, by which "ample provision is made to empower all persons and bodies to treat and agree with the said mayor, aldermen, bailiffs, and common council, for the absolute sale of, and to sell and convey to

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the mayor, bailiffs, and burgesses of the said town, such houses, buildings, lands, or tenements as should be adjudged necessary and convenient for the purposes of opening and widening certain streets and quays forming avenues and communications to and from the docks," whilst all the expenses which were being incurred, or to be incurred under this Act of Parliament, had to be defrayed out of the funds raised from shipping. That has been the practice under all subsequent Acts, I believe. Last Session there was a Bill promoted by the Council of Liverpool, which was called "The Improvement Bill," by which large and extensive improvements in the neighbourhood of the docks were contemplated. There was also a Bill before Parliament, which was promoted by the dock trustees, and in that Bill there was a proposed clause, authorising "the dock estate to pay such sums as might be arranged between the dock committee and the corporation, towards the expenses of the improvements which were at that time contemplated." However, that Bill did not pass, nor did the Improvement Bill, in consequence of the discussions which were at that time being raised with reference to these dues, and the powers to effect any improvements were withdrawn from the Improvement Bill, and the Dock Bill passed in a very modified and altered form. I mention that those clauses were in the Bill, to show that the obtaining of money on account of improvements has been the practice of the corporation; and that they have received large sums of money from the dock estate in aid of any improvements which have been carried out in the neighbourhood of the docks. When the corporation come before the Committee, and they are the only parties who can give this evidence, they will be able to show exactly what the improvements have been, under what Act of Parliament they have been effected, what has been the expense of the improvements, and to what extent the dock estate has contributed towards that expense; but it is information which we have no means of giving to the Committee. With reference to the expenditure for police, it has been shown that a large amount has been taken on account of the police out of the dock dues. The expenditure is 53,000*l.* The dock estate pays nearly 20,000*l.* for their proportion of the benefit, in the maintenance and establishment of the police.

97. *Chairman.*] Has there not been considerable expenditure for a landing-stage?—There is a landing-stage at the present time in course of construction, and considerable credit has been taken by the corporation for the expenditure which they are now incurring, or are about to incur, out of the town dues, as it is said, in the putting up of that landing-stage.

98. You are now speaking of one about to be put up?—Yes.

99. One has already been put up?—Yes; but I think it will be more convenient to refer to that landing-stage when we come to speak of the amounts withdrawn from the dock funds; the new landing-stage is intended for the accommodation of shipping.

100. What is it estimated it will cost?—The expense is something like 130,000*l.* or 150,000*l.*; it is notoriously for the accommodation of large steamers that are unable to get into dock; it is not for the accommodation of the inhabitants generally, and I am anxious that the Committee should clearly understand that fact, because it appears to me that in the present position of the law as regards the town dues, it is altogether an unauthorised expenditure under the Municipal Corporation Act.

101. Which clause?—The 92d clause, which requires the town dues to be paid to the credit of the borough fund, which fund can only be applied for the benefit of the inhabitants of the borough at large, and not for the benefit of any special portion of them, nor for the benefit of shipping; however, the corporation are at this time proposing to expend that sum of money for the benefit of shipping, and I have no doubt that it is the influence of public feeling, as well as of the proceedings which have been going on in Parliament, which has led to this expenditure. As regards the landing-stage itself, I may be allowed to make this one observation, that I believe a more injudicious expenditure could hardly have been contemplated, because if the plans as approved of by Parliament for the completion of the Birkenhead Docks, and which plans are required to be completed unless they are altered by the sanction of Parliament (and there are proposals for their alteration to be discussed this Session), there will be provided on the Cheshire side a large open basin, into which these ocean steamers will be able to go at all times of the tide.

102. *Chairman.*] Is that Wallasey Pool?—On that side the river.

103. Mr. *Watson.*] Are you speaking from your own knowledge?—I am speaking from my own knowledge, so far as it is possible to have any knowledge upon the subject; I certainly may say I am speaking of my own knowledge.

104. Mr. *Moffatt.*] Are not those large ocean steamers entirely passenger steamers?—I have no doubt they are mainly for passengers.

105. If so, would it not be a great advantage that they should have a landing-stage at Liverpool, instead of going over to the Cheshire side to land their passengers?—I think the large ocean steamers would bring a large number of passengers, but they must, of course, bring a large quantity of goods, and the great complaint with respect to large ocean steamers has been, that they are really compelled to pay large dock dues, whilst, from the inefficiency in size of the docks, they are obliged to load and discharge in the middle of the river.

106. Are you aware, with regard to those large vessels, what proportion of the freight is made up of passengers and what of goods?—I cannot state that.

107. Mr. *Horsfall.*] As you speak from your own knowledge, have you examined the locality where this landing-stage is to be placed?—I am aware of the locality. It is to be placed in the front, as I understand, of the Prince's Dock; the front of the promenade; that is the situation, I understand, it is to be in, but I am referring more particularly to this expenditure for the purpose of showing that the corporation are really laying out this sum of money out of the town dues for the benefit of the shipping; whilst as the law now stands, such expenditure may be said to be unauthorised, and I am pressing the fact upon the Committee for the purpose of showing that a strong case can be made out for further legislation, in order that those dues which are derived from shipping may be legally expended in objects by which shipping will be benefited.

108. *Chairman.*] Have you any observations to make with regard to the connexion of the corporation with the dock estate; you have hitherto been speaking of the dock dues as a question of showing the consideration which the corporation thought themselves bound to give, up to the middle of the last century, for those dues?—I have already shown to the Committee that prior to the 25th Geo. 2, the land was given by the corporation for the formation of docks, and that in addition they expended considerable sums out of their own funds to aid the expenditure which had to be incurred in providing docks.

109. Will you state what is the constitution of the dock committee?—Up to 1785, the whole of the powers were vested in the corporation itself. I will refer to the Act by which that constitution was altered; but before doing so, it would be more convenient to state what powers were given by the 25th Geo. 2, c. 52, when additional powers were obtained by the corporation for making further docks. It is there provided, for the first time, that the land which should be required for making King's and Queen's docks, should be purchased by the corporation; but it goes on to stipulate that the corporation should be paid only what the land had cost them. By the 39th Geo. 3, c. 59, further powers are obtained; the land is still to be purchased, but the Act provides that the corporation are to pay for the land taken from the corporation (it being in fact, the same body that had to do with the docks) at the same rate as they have already purchased, or should thereafter purchase, land for the same docks. By the 51st Geo. 3, further powers are obtained, and for the first time the corporation, it appears, are to purchase the land at a price to be fixed by a jury, and by the 37th section it is provided that the Auditors appointed as required by the first Dock Act shall appoint counsel and agent to attend the inquiry at the expense of the dock trustees. By the 6th Geo. 4, c. 187, the management of the docks is changed, and by that Act provision is made for the the establishment of a body of dock trustees.

110. Mr. *Vance.*] What year was that?—The 6th Geo. 4, c. 187; I think it is 1825; 13 members are to be appointed by the council, and eight by the merchants; but the council are to have the power to veto any proceedings of the dock trustees. Now, by a declaratory clause in that Act of Parliament, the powers of the Audit Commissioners are declared to be confined to the inspection of the accounts; and the Committee will observe, by that declaratory clause, the protection which was intended to be given to those who had to defray the expense incurred in the docks is entirely withdrawn.

111. *Chairman.*] How so?—The auditors, a distinct and separate body appointed three by the council, three by the justices of Cheshire, and three by the justices of Lancashire, were to appoint counsel and agent to attend inquiries before juries, in order that there might be a protection given to those who really

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had to find the money, the dock-rate payers. By the 6th of Geo. 4, a body of trustees are appointed; 13 named by the council, and eight by the merchants, giving the council an absolute majority; and, in addition to that majority, giving them power to veto any proceedings of the dock trustees. By the declaratory clause in that Act, the powers of the Audit Commissioners, which had previously existed, are withdrawn, for that clause declares that their duties hereafter should be confined simply to auditing the accounts; so that the entire power has thus drifted into the hands of the town council, and the fact of the veto existing would in itself be sufficient to control the free action of the dock trustees. I shall show that that power is not in name only, because it has been exercised, and exercised under circumstances of a very extraordinary character as bearing upon the particular subject, to which I am anxious to draw the attention of the Committee, for the purpose of showing to what extent the corporation have really benefited by the amounts which they have thus obtained from the dock trustees and from shipping.

112. That is not now the form of the constitution of the dock committee, is it? —It may be convenient to state to what extent it has been changed; by a subsesequent Act, the date of which, I think, is 1851, the constitution has been changed.

113. Mr. *Horsfall.*] Are you aware whether the powers of the Audit Commissioners to appoint counsel was changed at that particular period?—I am not aware of it.

114. Do you not think it more than probable, they being appointed on behalf of the ratepayers, when the ratepayers constituted a part of the dock trust, that they no longer required those counsel to represent them?—I think it is quite clear that they cannot be said to have been appointed on behalf of the ratepayers, or if they were appointed on behalf of the ratepayers, they were appointed as well on behalf of the dock ratepayers or foreigners, as on behalf of the ratepayers of Liverpool, because there were three appointed by the town council, who may be said to represent more particularly the ratepayers of Liverpool; the three appointed by the justices of Lancashire, and the three appointed by the justices of Cheshire, also representing Birkenhead and other places, may be said to represent the parties who were called upon to contribute largely to the dock dues. The nine auditors that were thus obtained would, to a certain extent, be parties representing those who were living at a distance from Liverpool, but largely contributing to the dock dues; and it was, as it appears to me, obviously for their protection, and to secure their not being called upon to pay unduly for the land bought from the corporation, who were really the sellers, as well as nominally the buyers, that power was given to appoint, independently of the corporation, counsel and agents to manage the business before the juries for assessing the value of the land. I believe the dock committee now consists of 24; 12 are appointed by the corporation, and 12 by the dock ratepayers; but the chairman must be selected out of the individuals appointed by the town council, and the power of veto remains in the town council; and I shall show in what way that power has been recently exercised. Now, in order to show the Committee that that power of veto does not exist in mere name, but that it is a very substantial power, and that it has been somewhat singularly used, I wish to bring under the notice of the Committee one case in which the corporation vetoed the proceedings of the dock committee on the 5th April 1826.

115. *Chairman.*] Are you aware whether there is any restriction as to the persons who are capable of holding the office of dock trustees? —The payment of dock rates to a certain amount, and residence within five miles of Liverpool is necessary. In 1851 a Bill was introduced for altering the constitution of the dock trust: "The Bill, however, as passed, fixed the constitution of the dock committee as follows: 12 members are elected by the council of the borough, and 12 by the dock ratepayers, but no person can be elected a member who has not both resided in or within eight miles of Liverpool for five years, and paid rates to the amount of 25*l.* a year on his own account, or as an agent for persons residing in or near Liverpool. The chairman, who has the casting vote, must be one of the members appointed by the town council. The town council retain the power of annulling every act of the dock committee." On the 5th of April 1826, the corporation vetoed the following resolution of the dock committee: "That it should be contended before the jury summoned to assess the value of the

the property of the corporation required for the purposes of the docks, that so much of the site of the intended docks and quays at the south end of the town, and at Toxteth Park, as belonged to the corporation, became vested in the dock trustees under the Act of the 51st Geo. 3, section 36; and also, that the attention of the counsel should be called to the directions contained in the Act of the 39th Geo. 3, for valuing the land and strand at the north end of the town." Now, that was the instruction passed by the dock committee, who were then negotiating for a large purchase of land from the corporation; those were the instructions which they thought it right to give to the counsel who would appear before the jury who would have to determine the amount. That resolution was annulled by the trustees, "who, in annulling the same, begged respectfully to call the attention of the dock committee (with a view to their future proceedings) to their want of authority to direct a resolution of that description to be acted upon previous to its having received the confirmation of the trustees of the docks in council assembled, under the 4th section of 6 George 4, inasmuch as such resolution tended to cancel a subsisting agreement between the trustees of the docks and the common council (themselves), which those two bodies themselves had only the power of cancelling. And the trustees regretted that such a resolution should have been passed, when the proceedings which took place between the two bodies, and which were entered in the books of the common council, in the books of the trustees of the docks, and in the books of the dock committee, demonstrated the intention of all parties as to the land to be purchased by the trustees of the docks from the corporation, and that the only equivalent to be given for the relinquishment of the old dock was, the elongation of the Queen's Dock by the corporation." That is the reason alleged by the corporation; but it is stated in this report, "that according to the construction put upon the statute of the 51st of Geo. 3, by counsel of the highest eminence in the profession, the land in question was vested in the dock committee without any liability to make a pecuniary compensation to the trustees for it. And in order definitely to settle the dispute, it was found necessary to procure the passing of the statute 9 Geo. 4, c. 114 (before noticed, and usually called the Purchase of Land Act), for the purpose of compelling payment to the corporation pursuant to the alleged agreement." But here is a distinct interference with the mode of conducting the inquiry on the part of the corporation; the corporation were really the sellers, as well as the buyers. There was the dock committee acting on behalf of the buyers, but the corporation did not choose to allow that committee to exercise an independent judgment as to the mode in which to conduct the inquiry, but themselves being the sellers, they actually prescribe in what mode the inquiry is to be conducted, and what arguments are to be brought by the counsel before the jury.

116. Mr. *Watson.*] What is your objection to that?—The objection is simply that the corporation are sellers and the corporation are buyers; they have both the power of the vendor and the power of the purchaser in their hands, and, therefore, they tie up the hands of the purchaser, and will not allow him to conduct the inquiry as he thinks right in order to secure a proper price, or as he may think, the ends of justice. They tie his hands behind his back, and say, We have the power of both parties in our hands, and we will exercise it. Then another case has occurred more recently, which, I think, will show that the disposition thus to exercise the power has not yet passed away.

117. Mr. *Hardy.*] The Committee understand you to say that the 9th of Geo. 4 was passed to meet that?—It was to prevent that question hereafter arising.

118. The effect was to confirm the view of the corporation?—No doubt, but I should observe with reference to that Act of Parliament the same remark applies; the corporation have the same power when they apply to Parliament as they had when they were going before a jury, of securing the passing of Acts to a certain extent which are in accordance with their views, and the payers of the dock dues are not represented. There is another case to which I want to call the attention of the Committee, which is of more recent date: when a proposition was made some years ago, the exact date I do not recollect, to rate the docks, the dock committee passed a resolution that the Bill should be opposed, and ordered a petition to be prepared and presented.

119. *Chairman.*] For what rate were they proposed to be made liable?—The poor-rate, from which they had previously been held exempt.

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120. Mr. *Moffatt.*] Did they propose to raise any other rate than the poor-rate?—I believe not.

121. *Chairman.*] Who introduced the Bill?—The vestry of Liverpool promoted the Bill; the town council of Liverpool determined to support it; the dock committee determined to oppose it, and to protect the property of which they were trustees, against, as they considered, an improper attempt to rate them. They ordered a petition to be presented to Parliament to enable them to appear before the committee; the chairman of the committee, who is required to be elected out of the members of the dock committee selected by the town council, had the custody of the seal, and without the use of the seal the petition could not be presented; he refused to seal the petition, and no petition therefore could be sent to Parliament within the time prescribed by the Standing Orders. The corporation at their next meeting annulled the resolution of the dock trustees to oppose that Bill, and adopted the proceedings of the chairman, so that again the corporation clearly tied behind their backs the hands of the dock trustees, who were nominally the parties to protect the dock ratepayers; they refused to allow them to appear before Parliament and state their case, so that we can well understand how the 9th of Geo. 4 was obtained.

122. Mr. *Hardy.*] In what year was that?—I cannot state the date; it will be easily ascertained. I have shown to what extent the power is really in the hands of the corporation, and now I shall show the Committee to what extent that power has been used, and the amounts which have been received by the corporation for land which has been, from time to time, required for the purpose of the docks since the year 1785. I find in the evidence given before a Committee of this House in 1851, when one of the Liverpool Docks Bills was before Parliament, the Bill by which an alteration of the dock trust was made, a Liverpool merchant, Mr. Chapman, makes this statement: "The interests of the dock estate are very different from those of the town locally; the one being more of a public and national description, the other peculiarly local. I conceive, moreover, that the dock estate has been made subservient entirely to promoting the interest of the corporation estate, and that the two have been in a state of antagonism for years. The dock estate has been plundered to a great, enormous extent, and it will be more so. It has been made a sort of milch cow, to aggrandize the great corporate estate." That is a mere expression of opinion, but I will show upon what facts it may be said to be based. Mr. Bramley Moore was chairman, for a long time, of the Liverpool Docks, and Mr. Bramley Moore states that, during the time of his chairmanship, he made the history of the dock estate his study. "In the first instance, for the construction of the first dock, in the reign of Queen Anne, the land was given by the town council; that was the old dock, in 1708. For some time subsequently they gave plots of ground for the purpose of constructing other docks; for the Salthouse, George's, and also two or three small alterations in addition. In constructing the docks there was a considerable portion of land acquired, to which the town council became entitled; land made at the expense of the dock trust to a very considerable amount; one plot near the Old Dock I think the dock estate bought, where the Albert Dock now stands, for 221,000*l.*; that had been made entirely by the dock estate before that time, and became the property of the corporation; it was mere strand between high and low water-mark previously; it is so recited in the original Dock Act of Queen Anne. The same was the case with a great deal of land in Liverpool, and in any instance in which the dock estate had created land at a great expense the corporation became the owners of it, except, of course, the mere site of the docks. In 1785 was the last time that any land was acquired gratuitously for the docks; there were some small transactions after that time, but no original sites for docks; substantially after that time the corporation became sellers of land to the dock estate; the sum of 221,000*l.* was for the Albert Dock; that was in 1840; the exact sum was 221,853*l.*; it included the reversionary interests of some property on the west side of the Salthouse Dock; the sales by the corporation to the dock estate up to 1844 amounted to 909,000*l.*" "There were other purchases, the particulars of which I cannot speak to, since I ceased to be chairman; the greater portion of that land was made valuable at the cost of the dock estates; the profits into the borough fund at the cost of the dock estate is a very large amount; I cannot say to what amount with anything like accuracy, but many hundred thousand pounds." That is Mr. Moore's evidence in which he states that up to 1844 the land which had been made out of the dock dues and by the expenditure of dock dues, but

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claimed by the corporation, was re-sold to the dock trustees by the corporation, being one and the same body, to be again paid for out of the dock dues, to the extent of upwards of 900,000*l.*

123. Mr. *Horsfall.*] What are you quoting Mr. Moore's evidence from?—A book, published by Mr. Webster.

124. Is that corrected by Mr. Moore?—I really do not know. Now I am going to refer to another witness; these gentlemen I hope will appear before the Committee and give, as they can, we would have done so if we could, the exact statement of the quantity of land bought at those different periods, and the prices paid; but they are not witnesses that I can bring here, but I believe their statements to be strictly accurate. Mr. Bramley Moore has stated the amount which was received. Mr. Hartley, who is the engineer to the Liverpool Dock Trustees, states, in 1851, that the quantity of land given by the corporation to the dock trustees prior to 1785, is about 56 acres. "The land formed at the expense of the dock trust, and now held by the Liverpool Corporation, is about 47 acres," now held after they had received 900,000*l.* for land which had been sold back again to the dock trust; but they then held 47 acres in 1851. "That is land formed in the construction of docks at different times, and still available for the purposes of the corporation. That has nothing to do with the Albert Dock; it is at the side of the tobacco warehouse, on the margin of the river between the west side of the King's Dock, and the site of the Wellington Dock and the Manchester Dock, where the public baths are, on the St. George's Pier." I should be very glad to show to the Committee, if I could, either by similar evidence or by any other, but I have no means, the amount which has been received by the corporation for sales to other parties, other than the dock trustees of land, which was made by the dock trustees, but claimed by that body; I have no doubt the information can be given, and I dare say it will be given by the corporation. It will be found from such sales, for the purpose of the erection of warehouses in the neighbourhood of the docks, a large additional amount has been received from other parties as well as from the dock trustees. I was asked about the landing-stage which has been already erected; that landing-stage was constructed in the year 1844, and was constructed really for the benefit of the inhabitants, you may say, of the borough, because it is for the accommodation of the ferry passengers from one side of the river to the other, but that landing-stage was not paid for out of the corporate funds, but out of the dock funds, although it was not put up for the benefit of the docks in any way.

125. Mr. *Vance.*] Are you alluding to the old landing-stage?—Yes, and this is what Mr. Hartley says with reference to that landing-stage:—"The landing-stage at Liverpool was constructed at the expense of the dock trust, under a clause inserted in the Bill of 1844. The landing-stage is applied to the general purposes of the ferries across the river; sea-going steamers are not allowed to go alongside; the benefit is, in fact, derived by the town of Liverpool, and by those who reside at Birkenhead and on the Cheshire side; it is calculated to injure rather than to benefit the dock trust and the Dock Estate of Liverpool, because it is an obstruction to the docking of vessels to a certain extent." Mr. Chapman expresses himself rather more strongly; he says, "They saddled the dock estate," in reference to this same landing-stage, "with 100,000*l.* for the maintenance of the landing-stage, which ought to be done from the 90,000*l.* a year which the corporation receives from the town dues; whenever they could shift the burden on to the shipowners they always did so. It was a downright act of spoliation; (I have always said that it was, and I maintain it now) on the part of the corporation; I have no hesitation in saying so. The 100,000*l.* furnishes 100,000 reasons, and good ones; the opposition of the corporation was a sham one; they thought it a very good piece of management on their part to get 100,000*l.* thrown off the corporate on to the dock estate, and to get the maintenance of this landing-stage thrown upon the dock committee instead of doing something out of the town dues." That is the history of the landing-stage which now exists.

126. Mr. *Horsfall.*] Are you aware that the construction of that landing-stage did not originate either with the corporation or with the dock estate?—I am quite aware that there was a clause inserted in the Act of Parliament which is referred to by Mr. Chapman in his evidence, but I cannot state under what circumstances; I cannot pretend to explain why that clause was put in, or under what special circumstances.

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127. Are you not aware that a clause was by a Committee of this House put in, making it compulsory on the dock estate to construct the landing-stage?—I do not know that it was the act of the Committee; of course the clause would be inserted in Committee, but I am not at all aware that it was the act of the Committee to require it; it seems rather incredible that if it had been shown t ha there was a large fund like 100,000*l.* a year, out of which you are now proposing to construct a landing-stage for the benefit of shipping, that the Committee would have required a landing-stage which was avowedly for the benefit of the town, and rather an injury than a benefit to shipping, to be paid for out of the dock dues.

128. Are you not aware that that clause was not in the original Bill of the promoters, but that it was inserted in the Bill by a Committee of this House at the suggestion of residents in Cheshire?—No, I am not aware of that; as I have stated I am not aware of all the peculiar circumstances under which the clause was introduced; at the same time I cannot help thinking, even if it were put in by the Committee at the instance of those parties, that if all the facts had been before the Committee, they would have required the expenditure to have been paid for out of another fund, and not out of the dock dues.

129. Mr. *Watson.*] Is Mr. Chapman alive, or dead?—I believe he is alive; I am going to refer merely to one sentence of a petition which was presented to the House of Commons by the merchants of Liverpool, which is set forth in the Report of the Corporation Commissioners.

130. Mr. *Horsfall.*] What is the date of that petition, and at what page of the Report does it appear?—It is at page 2774. It was presented in January 1833 "Of a statement of the grounds for an inquiry into, and an alteration of the constitution of the Liverpool Dock Trust. These were embodied into a petition, to be presented to the House of Commons, which, as containing a brief exposition of the several reasons urged by the rate-payers in favour of their proposed reform, I deem it right to state here at length." I am about to read this paragraph, only for the purpose of showing the advantages which have resulted, or rather the disadvantages which have resulted to trade and commerce from the anomalous position in which the dock trust has always been placed. The corporation have in fact all the power; because, when the dock committee was appointed, the majority was reserved to the corporation, and the absolute control by veto; because here is a distinct statement with reference to the position in which the dock trust was placed, under which the land which they made by the dock dues could be claimed by the corporation, and afterwards resold to the dock estate, at such enormous prices: "That the common council reserved to themselves as common council, the margins of the docks, and the strand, which as dock trustees they reclaimed from the waters of the Mersey, by sea-walls advanced into the river; and then as common council they took possession of the valuable land thus created for the benefit of the corporation estate. Your petitioners submit, that if the dock estate had been represented by trustees distinct from the corporation, it may reasonably be supposed that they would have had the common forecast to secure the strand that might be required for dock purposes, before its value was thus so greatly increased at the expense of their trust. In purchases from the Earl of Sefton, and other land-owners, the council took care to include the strand." Now the Commissioners in their Report, at page 2777, state, "It was well observed upon the inquiry, that, giving the utmost latitude to the meritorious claims that might have been urged by the corporation, so long as they continued to be donors of their land to the dock estate, yet, when they became sellers of land to themselves (which they were from the 25th Geo. 3), the necessity for a distinct representation was clearly evident. The enormous extent to which such sales were effected has been already fully detailed. During the period, however, in which the corporation might assert some claim to the character of gratuitous benefactors to the trust estate, (if indeed the party mainly benefited can be admitted to stand in that ambiguous position), their common council appear to have had by far the more vigilant eye to the well-being of the corporate estate. Section 13 of their very first Act of 8th Anne (under the unassuming marginal abstract of "Cranes may be built on the sides of the dock"), secures to the corporation the important right to the sides and brinks of the intended dock, in the following terms: "Provided always, and it is the true intent and meaning of this Act, that nothing herein contained shall extend or be construed to extend to hinder the mayor, bailiffs, and burgesses of the said borough and corporation for the time being, and their successors, from having

having and enjoying, setting and letting the waste ground, and all and every the sides and brinks of the said intended dock or basin for building cranes, but that the same, and all the wastes of the said town, shall remain to them and their successors for ever, as the same have heretofore done." Under the provisions, likewise, of all the more recent Acts, the valuable land created by the excavations from the docks, between the dock walls and the estuary of the Mersey; land, in fact, reclaimed as a protection against the inroads of the sea, at an enormous expense to the dock estate,—was reserved to the corporation. It was justly asked, whether any private individual, endowed with ordinary foresight, in dealing with his own property under similar circumstances, would have failed to secure to himself the enjoyment of the land thus created at his cost, upon a site which before was valueless to the vendor. It is shown in the petition of the Liverpool merchants, that when they were dealing with other parties, for example, with Lord Sefton, that foresight was exhibited, and the corporation, or rather, the dock trustees, because the corporation had no interest, were then permitted to secure for the benefit of the dock estate the advantage of the strand.

131. *Chairman.*] Are not the town dues of Liverpool charged with a debt of one million?—They are.

132. Can you give any evidence as to the ingredients of that debt?—I will give what little evidence I have been able to obtain. I will point out to the Committee the answer given by the corporation to the inquiry of the Shipping Dues Commissioners, at their first meeting at Liverpool. All the information that the corporation then gave was in the following words: "The revenues in question, with the other corporate property, formed the security for the bond debt of the corporation. This debt amounts to upwards of one million, and is due to various persons in amounts ranging from 100*l.* to 25,000*l.*, and was incurred at different periods prior to, and subsequent to, the Municipal Corporation Act, for purposes connected with the town and port." Before the Commissioners, I endeavoured to ascertain under what Acts of Parliament, and for what purpose, the debt had been created; but I could not obtain a particle of information upon the subject. The corporation can give that evidence to the Committee, and no doubt will do so. They can show under what Acts the various sums were borrowed, and for what purposes. I was unable to get any evidence at all, but I am able to put before the Committee some evidence upon the subject, from the Report of the Municipal Corporation Commissioners. From that report I have been able to ascertain that the debt in 1827, amounted to 417,921*l.* 17*s.* 11*d.* In 1834 to 792,009*l.* 13*s.* 11*d.* For what purposes the debt prior to 1827 was expended or required I am not able to discover, nor can I state positively for what purpose the increase was required, but it appears that one object probably was for the payment of the large expense which had been incurred during the prior years in the erection of churches; it is stated in the Corporation Commissioners' Report that 122,321*l.* had been so expended It is also stated, the expense of the improvement of Bold-street amounted to 160,000*l.* Now, Bold-street is a street which I have no doubt is well known, considerably removed from the docks; it is one of the principal streets for shops in Liverpool, so that it can hardly be said that such expenditure was for the benefit of shipping. There is another large item to which I am anxious to draw the attention of the Committee, amounting to 182,612*l.* 12*s.* 4*d.*, for the purchase of lands at Wallasey and Birkenhead; and the history of those purchases is set forth in the Report of the Commissioners at page 2728, where there is a statement of the quantity of land purchased, the various parties from whom such land was purchased and the amounts paid. It appears that altogether there were 206 acres, 3 roods, and 10 perches, and the total purchase money was 180,264*l.* 12*s.* 4*d.* Now the history of this particular purchase, according to the statement given by Sir John Tobin, appears to be as follows: "He had been engaged with Mr. Laird (whose name also appears as a vendor to the corporation to the amount of 24,126*l.*) in the purchase of lands at Wallasey, with a view to the projected improvements, and they had mutually agreed not to part with their respective properties without each other's consent. In one of the finance committees Sir John had suggested to his brethren of the committee that they would do wisely to purchase lands directly of Mr. Price (another vendor to the corporation to the amount of 17,105*l.*, but the date of whose sale is not stated) instead of buying of others piecemeal, and at second-hand." It was, at this time, that the project was brought forward for the first time for the

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establishment of docks at Wallasey and Birkenhead. "Subsequently the committee sent for Sir John, and the business was opened to him respecting the purchase of his land and Mr. Laird's. He stated that there would not be much difficulty in clearing the way for this negotiation, provided the common council would enter into a solemn engagement not to let the ground project of a port at Wallasey drop; the committee hesitated, and preferred treating without being clogged with such a stipulation. Sir John stated that he was engaged in this scheme with Mr. Laird, and could not now retract, and appealed to Mr. Case, whether he could desire so old a servant of the corporation to be guilty of any dishonourable transaction, and there the matter rested for the time. The result of this meeting was communicated by Sir John to Mr. Laird; Sir John was out of town, and, therefore, not present at the next meeting of the finance committee; but on the following morning Mr. Laird waited upon him to state that he (who was not an old servant of the corporation) had negotiated with them for the sale of his lands, and named the price. Sir John stated that he then saw it was of no avail for him to hold out and stand alone, for that the beauty of the scheme was destroyed; that the common council would say 'Your partner has sold his share, and you have no ground now to refuse to join in a sale to the corporation;' and that much as he regretted what had occurred he must now assent to the treaty. The land of Sir John had been purchased about four months, that of Mr. Laird about two years, previous to their joint sale to the corporation. There had been no regular conveyance, but only a written memorandum between them, with a clear understanding that they were bound in honour to each other. For agricultural purposes the best land in the vicinity of these purchases is not worth more than 80 *l.* to 100 *l.* an acre." The price paid was 750 *l.* an acre. That was the object of the original purchase, and Mr. Foster, the town clerk of Liverpool, himself states before the Corporation Commissioners, when this transaction was being called in question, that "as the town council were the natural protectors of the rights of the burgesses of Liverpool, I contend that they could not have expended their funds in a way more conducive to the interests of the port than by the steps they took to prevent the establishment of a commercial rival on the other side of the water, as they sincerely thought it was in actual contemplation." Now that is stated to have been the object of the purchase. The project for the erection of Birkenhead Docks was renewed, I think, in the year 1843; the Parliamentary notices were given, and the plans deposited, and the consequence was that speculation in land on the Birkenhead side of the river became very rife; and the corporation sold a large portion of this land, which they had purchased of Sir John Tobin and others, at very large prices. I believe the prices averaged, in many instances, 16*s.* a yard, which would be upwards of 3,500 *l.* an acre, and a large portion of the land was sold by the corporation during the excitement created by anticipation that docks were about to be formed at Birkenhead. I believe, if I could put before the Committee the actual amounts which have been received for land by the corporation, it would appear that a very large portion of the debt of 1,000,000 *l.* might be said to have been repaid by the money which they received as a consequence of that transaction. I am bringing before the Committee any information I possess as to the origin of that debt, with the view of showing that the recommendations of the Commissioners ought in justice to the commerce of the port of Liverpool to be carried out; that looking to the objects for which the debt of 1,000,000 *l.* has been created; that it had been created prior to the passing of the Municipal Act, or about that time, and there has been no sinking fund established; there really is no justice whatever in charging any portion of that debt upon the dues which are obtained from shipping.

133. Mr. *M. Gibson.*] Is that all the information which you wish to supply to the Committee?—Yes; I do not recollect anything else at this moment.

134. Mr. *Horsfall.*] You stated that in one week there were 101,000 bales of cotton imported?—I did.

135. And that the amount of dues upon that cotton was 840 *l.*?—Yes.

136. Do you know what the charge is per bale?—I calculated it at 2 *d.* per bale, which I find to be the due stated in the tariff.

137. Have you estimated at all the value of that cotton?—No, I have not made any calculation as to the value of the cotton, but I dare say it might be taken probably at 10 *l.* per bag; I am speaking without any positive knowledge upon the subject, but I dare say the value of the cotton might average 10 *l.* a bag.

138. You

138. You have not gone into the question of the per-centage?—I have not gone into the per-centage at all, because I considered it was really of very little consequence; if the due was paid and nothing whatever received in return, whether it was a small or a large per-centage upon the value of the bag of cotton would make very little difference; it was a question only of degree, not of principle.

139. Except inasmuch as you considered the dues very oppressive?—No; I consider the oppression would not arise at all from the amount of the due as compared with the value of the article; the oppression arises from the fact that the due is charged, and nothing whatever given in return, and that nothing can be legally asked for or required.

140. That is assuming your view of the case to be correct?—No, it is assuming the statement of the Corporation of Liverpool to be correct.

141. That nothing is done?—That nothing can be legally required, that is what I say, in return for the dues; that is the statement made by the Liverpool Corporation, that there is no legal obligation whatever upon them with regard to the dues.

142. You alluded to the debt at Birkenhead, and the further sums which would be required to complete those works. Are you aware that those works utterly failed in the hands of those who established them, and that the Corporation have undertaken the present debt, and also to finish the works, and that the interest is now a charge upon the borough fund of Liverpool?—Yes, I am quite aware of that. I am very glad to see to that extent that the Corporation have recognised clearly and distinctly the propriety of carrying out the principle of the Bill which has been recently introduced into Parliament, because they are now taking upon themselves a very large charge which is really for the benefit of the trade and shipping of the port; and we do not, speaking for those who pay dock dues, complain at all of the dock dues to any extent required for such purposes being made, nor do we complain of the town dues being levied provided the town dues are really applied for such purposes. The arguments advanced in support of the application made by the Corporation of Liverpool for that Bill by their own counsel, state what I feel much more strongly than I can. Mr. Serjeant Wrangham stated, when he was applying as the counsel of the Corporation for that Bill, "One can hardly conceive a more legitimate purpose to which that fund of the Liverpool town dues, contributed as it is by vessels frequenting the harbour, could be applied than to what are strictly harbour purposes, and are intended to give a greater accommodation to the shipping and the commerce which frequent the port of the River Mersey. Therefore there is a fund upon which a security can readily be given for the amount necessary to be paid over to the sellers, the Birkenhead Trustees, and the Birkenhead Dock Company; a fund which is really and strictly applied to what would seem its natural purposes when it is applied to the maritime purposes of the port of Liverpool." Now that is what Mr. Serjeant Wrangham, as counsel for the Corporation, said, and it is what is being done by the Birkenhead transaction; and all we ask is, that what has been begun may be continued, and that the town dues may be applied in perpetuity, as they are being now applied to a certain extent, for purposes in which shipping is really interested.

143. You are aware, I believe, that the Corporation are bound by the Act of last session to transfer the Birkenhead Docks to the Liverpool Dock Trustees, without any profit upon their purchase, when they are authorised by Parliament to accept the transfer?—I have no doubt that such was the intention; but it will be found that the intention has been clearly carried out. I have no doubt the Corporation will submit to any clauses that may be proposed to carry it out; it is not so provided at present. I see by the Report presented by the Board of Trade, that is one point to which the attention of Parliament has been called. They recommend that in Parliament, clauses shall be inserted declaring that such property is held by the Liverpool Corporation as trustees for the public, and requiring them to hand it over to the dock trustees without profit. That is not yet provided for, but I have no doubt it is intended.

144. You read part of the proceedings in the suit with the Corporation of Lancaster in 1691; will you state from what book you read them?—Yes; it was from a Report printed in Liverpool. I do not know whether it was printed by the Corporation; it is printed in Liverpool, and it was from page 263.

145. I think you said that you did not stand sponsor for the statements

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which you put in from documents printed or otherwise; you merely tendered them as what is called in common parlance, hearsay evidence?—No; it must be quite obvious to the Committee that in a great many instances I cannot possibly be speaking from my own knowledge; I have given the best evidence which we can obtain. I believe I have not made any statement before this Committee for which I have not produced the authority of either Parliamentary Reports; this book, which is a verbatim report of what took place before the Municipal Corporation Commissioners, or reports of evidence given by members of the Liverpool Corporation, or the Liverpool Dock Committee, or of evidence given by their own officers.

146. You do not appear here to speak of any grievances of your own, but as the advocate of the Corporation of Manchester?—I do not appear as the advocate of the Corporation of Manchester exactly. I state facts which, I think, show that there is a great grievance, in which the city of Manchester, as well as the whole north of England, participate, that those town dues are levied for which nothing is given in return to commerce.

147. I want to elicit the fact, whether you merely give these statements as you find them, and that you do not mean to stand sponsor for all the statements you have now laid before the Committee?—I have not the slightest doubt that all the statements I have made are strictly and literally true, and to that extent I am quite prepared to stand sponsor for them, but the Corporation of Liverpool have the means of very readily correcting any error I may have made, and they can give strictly legal evidence with regard to all those facts which I have attempted to put before the Committee; and there is no doubt, if those books are wrong, or if the evidence has been incorrectly reported, or if there is any inaccuracy in other respects, the Corporation of Liverpool have ready means of correcting me. I saw Mr. Hartley at the door of the committee-room just now, and he will be able to say whether he gave incorrect evidence before the Committee in 1851.

148. Mr. *Hardy*.] Did you get up this case from some particular grievance that was brought before you, or was it a labour of love on your part?—I do not believe professional gentlemen are often guilty of anything like labours of love. I have already stated that my attention, as well as the attention of the district, was drawn to this question more particularly by the inquiry before the Commissioners in 1854, and I think it has become, to a certain extent, a labour of love now with the whole district, because the whole district feels that they have been suffering a most unjust tax, in ignorance of the facts for many years, and believe that it is only necessary to bring the facts before Parliament to get rid of the injustice.

149. It was the Commission upon shipping dues that revealed to Manchester that it was suffering under a grievance?—No, not entirely so, because it will be proved to you that memorials have during many years past been presented from time to time by commercial bodies in Manchester to Parliament with regard to the town dues; but although, perhaps, those whose duty it was to attend to those matters more particularly were aware of the fact, I am quite satisfied that the public at large had no idea that the state of the case was as represented by the Liverpool Corporation, that they claimed the right to tax everybody and everything, uncertainly and arbitrarily, and that in return for that tax there were no legal obligations of any kind imposed upon them; that statement certainly surprised myself, and, I believe, is a matter of great surprise in the district.

150. The Committee understood you to say that the objection was to the purposes to which the town dues were applied, and not to the town dues themselves?—Decidedly; we do not object, if they are required for trade, to their being raised from us.

151. Is there any particular grievance in Manchester in respect to competition with any other place that arises from those dues?—No doubt there are many grievances.

152. Can you point out one that we can investigate, which puts Manchester in a different position from any other town in the kingdom?—I can point out one case. Anybody carrying on the business of a builder is placed at once at a disadvantage if he has to compete with a builder, a freeman of Liverpool. Upon all the timber he uses he is taxed for the town dues, whether a non-freeman in Liverpool or a foreigner out of Liverpool, and in that way the strangers out of Liverpool are placed in the same position as a non-freeman in Liverpool, and it

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was for that purpose, and that purpose only, I brought forward the evidence, to show the advantages possessed by freemen over non-freemen; because whatever they are in Liverpool they are the same in Manchester, with this difference, that the trader out of Liverpool does not participate in any benefit by the expenditure of the dues.

153. Can you name to us any particular instance in which this grievance has been felt?—I believe evidence might easily be produced, as it applies to large builders and to large traders of any other description whose articles pay town dues to a large extent. I am not prepared to state the names of any individuals.

154. Mr. *Horsfall.*] You specify a builder; you are aware that a builder, if he is under a disadvantage, must necessarily import the timber in order to labour under the disadvantage as a non-freeman?—If he has imported the timber as a freeman he pays no dues; if he has imported the timber as a non-freeman he pays the dues; but whether a builder in Manchester has imported timber or buys it from a party who has imported it, he pays the town dues. With regard to the timber trade, a gentleman in Manchester has several times brought his particular grievance under my notice as a builder.

155. You do not mean to say that he suffered as a builder, he suffered as an importer, and he must be necessarily an importer as well as a builder before this grievance operates?—No; I do not say anything of the kind; the grievance attaches to everybody who has anything to do with an article upon which town dues are levied. I do not suppose a builder in Manchester sends to Canada for the timber as an importer; he buys it from the party who has imported, and he is charged with the town dues in Liverpool, although he may not be the actual importer; if he is not charged it is added to the price.

156. Mr. *Watson.*] Have you produced out of the large number of books you have referred to everything that could make for your case?—I think not, by any means, nor half of it.

157. I presume you have been for some years busy in getting up this case?—No; I am very happy to say I have been nothing of the kind. I have been getting up this case, certainly, not many weeks.

158. Did you not get up the case, and attend before the Shipping Dues Commissioners in Liverpool?—I did attend, but I certainly may say, that until within three days before going before the Commissioners, I knew little or nothing about town dues, and I should have known very little when I got before the Commissioners if it had not been that the answers given by the Liverpool Corporation were fortunately published in one of the Liverpool papers; otherwise I should have been in a blessed state of ignorance as to what the Commissioners were going to inquire about.

159. The Committee do not very distinctly understand; do you object to the legality of those dues as belonging to the Corporation of Liverpool, or do you object to the improper application of the money collected under them?—I have not come here to raise the question of title at all.

160. Do you object to their having a legal title to the dues?—I do not at all object to their having a legal title; if that was the question raised it would not be raised here; it is to the appropriation of the money that I object.

161. If that be so, why did you produce that document of 1691 and the answer of some other year?—I will explain why I produced it. I explained at the time I read it, in order to guard against mistake, that I was reading it not with the view of showing the title, but for the purpose of showing that what I am quite satisfied has been the responsibility attaching to these town dues from the time they were created, was distinctly admitted by the Liverpool Corporation in 1691 and 1695. I will venture to read, as the question has been asked, to show that I have not read all, what is stated as to the origin of town dues by Blackstone.

162. You had better go to Lord Hale, had you not?—Lord Hale says very much the same thing. Blackstone says as to town dues: "The consideration upon which their revenue (of petty customs) or the more ancient part of it, which arose only from exports, was invested in the King, were said to be two; first, because he gave the subject leave to depart the kingdom and to carry his goods along with him; second, because the King was bound of common right to maintain and keep up the ports and havens." Now I read the proceedings in 1691 and 1695, to show that the corporation then considered that responsibility attached to them, and there is no doubt it did attach to them if they were the

owners of the port, and entitled to claim petty customs; they admitted the liability and acted upon it, as is proved by their proceedings, and admitted the same again when they came to Parliament for Dock Acts.

163. Do you understand from the word "consideration" there, that this property is clothed with a trust to expend all the money upon shipping, and other things connected with it?—I do understand that it is clothed with a trust; undoubtedly it was, originally.

164. Do you consider the words "trust" and "in consideration" to be synonymous?—For the purpose of the sort of answer I have given, I consider they are synonymous.

165. Do you consider that where a person has a consideration for a toll through, or a market toll, he is to expend all the money collected from that upon the repair of the streets, or upon the accommodation of the market?—Certainly not; I have not suggested that at all.

166. Where do you find the word "trust" used anywhere?—I do not find the word "trust;" I do not use it exactly in the technical sense; all I say is this, without defining the words "trust" and "in consideration," I say the consideration for those town dues was making and maintaining the port; that is not the case in Liverpool now, and therefore we come here to show the necessity for legislation, because whatever the responsibility was up to the passing of the Municipal Corporation Act, it is quite clear that, whether it was by inadvertence, or whatever else may have been the cause, by the Municipal Corporation Act they are required to pay those dues to the borough fund.

167. How do you show that the consideration does not still exist of maintaining the port?—I show it from the fact, that the town dues are required by the Municipal Corporation Act to be paid to the borough fund. The Municipal Act provides for what purposes the borough fund shall be applied, and one is certainly not maintaining the port.

168. How do you make out that consideration is gone, or that they are not under the consideration still?—Because it is inconsistent with the Municipal Corporation Act.

169. Therefore up to the passing of the Municipal Corporation Act, the consideration continued, and since the passing of the Municipal Corporation Act, the consideration has ceased?—The duty may have been previously neglected, but the power to spend the money in carrying out the consideration is taken away by Parliament.

170. Tell me any part of Mr. Chapman's evidence, or any document you can get, to show that this due to which the corporation was entitled is clothed with any trusts of any kind?—I should not think of referring to Mr. Chapman with the view of satisfying the Committee upon that fact; I referred to much better evidence.

171. Show me any evidence?—The evidence is this: I have shown what Blackstone says is the origin of those old town dues and petty customs; I have referred to facts distinctly sworn to in the answer; (we will not refer to the Bill, as it is not to be entitled to much credit; it is not strictly legal evidence); but the answer of course is not open to the same objection, and the answer swears to the very same facts that were declared in the Bill, that they were liable to grievous and heavy expenses in keeping up the port, so that the law as laid down by Blackstone and others, is quite in accordance with the declared obligations of the Corporation of Liverpool, and I have already shown it was consistent with their practice.

172. Do you infer from that that there was a trust?—That there was originally an obligation to maintain the port; and I believe that no town due has existed in connexion with ports without that obligation, which is stated by Blackstone to have been the very foundation of the right enjoyed by the King, from whom they are derived, to take town dues.

173. Tell me, if you can, any authority for saying that the corporation was bound to expend the whole of the money collected, or any particular part of the money in any way, for the accommodation of shipping or the maintenance of the port?—I really cannot show it otherwise than I have done. I have attempted to show what I consider was their legal position. I have also shown what was their practice; and I think the best evidence is that they spent the money in that way. I think the corporation would not have done so unless they had felt that there was a legal obligation so to do.

174. Do you find that they spent the whole of the money, or any part of the money?—I think they spent even more than the money, judging by the expenditure required to execute the works suggested by the extracts I have read; and knowing that the town dues did not amount to 500 *l.* a year, I believe, prior to 1700, when those expenses were incurred, no doubt they must have spent the whole or the greater part, or perhaps even more than the town dues.

175. Have you any tolls at Manchester?—Yes, we have.

176. Have you any market toll?—Yes.

177. Did not that market toll belong to Sir Oswald Moseley formerly?—Yes, and his rights were purchased by the corporation.

178. For how much?—£. 200,000.

179. Is there not a toll levied upon the sale of all provisions in houses?—Certainly not.

180. Where is the toll levied?—In the market, and that makes all the difference. If we levied tolls upon everything that came into the town, without providing market accommodation, or whether it went into the market or not, then the case would be somewhat analogous to that of the Liverpool town dues.

181. Do you spend the money raised from those tolls upon the market?—We spend not only all we receive in connexion with the markets, but 2,000 *l.* a year on account of the liquidation of the principal, is paid out of borough rate in addition.

182. How much a year do you raise from those tolls?—I believe about 15,000 *l.*

183. How much of that 15,000 *l.* do you expend, not upon the payment of interest, but upon the repair of the markets and market services?—That I really cannot tell.

184. Do you spend 5,000 *l.* for those purposes?—Yes, and a great deal more. I cannot give any exact figures; all I can state is this, that in connexion with the purchase of the market tolls, and in connexion with the maintenance of the markets, we spend not only the whole of the money, but we also have to pay, out of our borough rate, 2,000 *l.* on account of the principal.

185. Expenditure in connexion with the purchase is one thing, and expenditure on the market is another?—I am quite prepared to admit that we do not spend on the market anything like the amount of the tolls that we receive, but I hope the Committee will allow me, in order to make my answers complete, to explain what appears to me to be the distinction between the market toll to which reference is made, and a town due; a town due is paid by everybody, for everything that comes into or goes out of the port, and nothing whatever is given in return. The corporation say that they are under no legal obligations to give anything; and, for the purpose of answering the question of the Honourable Member, I say nothing is given in return, and the payers have no right to ask for anything. Market tolls, whether they are tolls purchased from the lords of ancient manors, or whether they are tolls taken under Market Acts, which are being granted by Parliament every year, are tolls fixed and certain, not fluctuating and uncertain, which are paid by those who choose to go into the market in return for the accommodation which is there provided; and they are not paid compulsorily by anybody; there is a full equivalent given, and a great deal more than an equivalent, generally speaking, for the tolls which are charged. Take the case of Liverpool; it will be seen by the Liverpool accounts that they receive market tolls, and I believe that those tolls pay but a very small percentage upon the outlay which has been incurred in respect of the markets; but it does not show that there is any injustice in asking for the toll, and the people who go into the market pay the toll which is prescribed for the accommodation which they get. In Liverpool it does not produce a fair return upon the outlay, nor anything like it. In Manchester, since we purchased the manorial rights, we have expended, in providing accommodation for the market, between 30,000 *l.* and 40,000 *l.*, which accommodation did not previously exist; and the lord of the manor, if it had remained in his hands, would not have incurred that expenditure, and that was the inducement on the part of the corporation to buy those rights. We do not now receive the interest, or more than the interest of the outlay which the corporation has incurred in obtaining possession of the markets, and for the purpose of increasing and improving the accommodation afforded to those who come into the markets to sell their goods. In fact, in Manchester we do not take the tolls under the lord of the manor's old title. As soon as we

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purchased we came to Parliament and obtained a model Market Bill, such as has been obtained by Bolton, Bury, and a number of other towns where the same tolls are taken which we take in Manchester.

186. Did not Sir Oswald Moseley establish this, that no person had the right of selling fish in his own shop?—I will tell you what he established. Sir Oswald Moseley established this, that no person had the right to sell fish or butchers' meat, except in the market; and the reason for that right, objectionable as it appears, can easily be suggested. The lord of the manor was under the obligation to provide markets, and, to secure some return for his outlay, this extra right was probably originally given. But I must explain that the city of Manchester comprises five townships, and the manorial rights extend over only one of the townships of Manchester. It was the city of Manchester that gave 200,000 *l.* for the manorial property, including the income derived from this right to which I have referred. It was felt that it was very unjust and undesirable that it should be perpetuated; at the same time it was felt that we had no right with the money of the city, including the five townships, to purchase an exemption or an additional privilege for the township of Manchester only, and therefore a clause was introduced into the Bill, that any person that thought fit to pay a sum fixed at about what they would have paid for a stall in the market, might sell fish or butchers' meat in their own shops upon the payment of that licence; and that after repayment of the purchase-money the exception should altogether cease.

187. What manorial property was there purchased, besides the market toll?—There was a very considerable amount of property included in the 200,000 *l.*; there is land, but land which can be chiefly used for market purposes, or is considered convenient in connexion with the market, and over which the market rights had extended; but there is no question that we gave a very high price.

188. The 200,000 *l.* was principally for the market, and the ground upon which the market stood?—The tolls, when we purchased them, were not more than 9,000 *l.* a year; they now have increased to 15,000 *l.*, and I hope they will increase a great deal more; but still the toll paid by individuals for accommodation is exactly the same; no one pays, except for a full equivalent; they do not go into the market unless they choose, and they do not pay unless they do go into the market. To compare our market tolls with the town dues of Liverpool, we must be in this position: we must station a collector at each entrance to the town to collect the toll, to be applied in lieu of the borough rate; which would represent the town due; and then we must take another toll for the use of the market, which would be like the dock due.

189. Mr. *Hardy.*] You said, I think, on Friday, that you thought this was not a question vital to the interests of Manchester only, but to the interests of Liverpool also?—Yes.

190. In what way do you consider that levying the town due injures Liverpool?—I consider Liverpool owes its prosperity entirely to the dock system. There has been an expenditure of upwards of 10,000,000 *l.* sterling on the docks, which has made Liverpool what it is. I thought it was important to Liverpool as well as to Manchester, because I believe nothing could be so disastrous, probably, to Manchester, as well as to Liverpool, as anything occurring which would tend to drive away the trade and commerce from the Mersey. There are other places which might easily be suggested where the trade may possibly be driven to, if the charges become so onerous that they cannot be submitted to any longer. It was in connexion with a gross annual charge of nearly 700,000 *l.* per annum, which will ere long have to be obtained from shipping, that I thought it became a question of vital importance, not to Manchester only, but to Liverpool, to get rid of a tax of 150,000 *l.* a year, for which the shipping gets no return.

191. Do you not consider that the fact of a large sum of money being spent upon the improvement of Liverpool itself, must tend very much to bring merchants there, and induce them to prefer it as a place of residence, to a place which is in an inferior state?—No; I think it would be very difficult for our Liverpool friends to show that any portion of the money has been spent in making Liverpool convenient and agreeable as a place of residence; I believe Liverpool merchants can do that without town dues; the money has been spent upon the town, and in the improvement of the town, and to that extent it has been beneficial to the town of Liverpool. But it is the expenditure on the docks,

docks, and the satisfactory dealings with the docks, which will tempt merchants to come to Liverpool.

192. Will not merchants be induced to have their places of business in a town that is well taken care of, and where the borough rates are light?—My complaint is against the money being spent in the town of Liverpool; the money has been spent not in the neighbourhood of the docks, except where it has been furnished by the dock trustees; it has been spent in districts remote from the docks, and in a way in which the shipping would not in any way benefit.

193. Mr. *Cardwell.*] As you have been asked questions bearing upon the political economy of the subject, have you directed your attention at all to what has been the policy of the port of Bristol the last few years?—Yes, I have; I am quite aware that the very opposite course has been taken at Bristol to that which we complain of as being adopted in Liverpool, and the results have been what might have been expected. Bristol, from competition with Liverpool, and in consequence of the amount of her charges, found that her trade was falling off considerably, and the corporation of Bristol had sufficient political intelligence and public spirit to determine to see if they could not alter the then unsatisfactory state of things; they became the possessors of the docks, which I believe had previously been in the hands of a private company; and the town dues, which are not taken in Bristol as they are taken in Liverpool, without reference to ancient tariffs, but to a fixed and certain tariff, of a very old date, the corporation voluntarily reduced nearly one-half; and they not only reduced the town dues, but actually came to Parliament for an Act to authorise them to tax the town of Bristol, including Clifton, and the whole of that district, with a rate of 4*d.* in the pound, to be expended entirely for the purposes of shipping. The whole of the town dues, as far as I know, have always been expended for the purposes of shipping; they have never thought of spending them for any other purposes, but the arrangement now is, that the whole of the town dues taken, which are about 2,700*l.* a year, and the whole of this rate of 4*d.* in the pound, whatever it may produce, is to be expended for the purposes of shipping, and provided the rate, with the town dues, produces more than is required for the purposes of the shipping, the rate is to continue, but the town dues are, to the extent which the surplus will permit, to be reduced; and so they are to go on till that tax upon shipping has been abolished; keeping up the tax, which is a tax upon property, but which is expended for the benefit of the shipping. I believe the Bristol merchants have found that they have full compensation for that arrangement in the improvement which has taken place in the trade of the port.

194. Am I to understand you to say that the representatives of the householders of Bristol have felt it to be their interest to apply to Parliament for power to tax the house property of Bristol, in order to relieve from tax the shipping trade resorting to Bristol?—Undoubtedly.

195. Am I to understand you also to say that if the same policy should recommend itself to the representatives of the householders of Liverpool, that they would be estopped from carrying it into effect by a section of the Municipal Reform Act?—Undoubtedly.

196. *Chairman.*] You state, I think, that the dues are levied all over the customs port of Liverpool?—Yes, including Runcorn.

197. Can you state whether anything is done by the corporation of Liverpool for the whole of the Mersey, whether the whole of the Mersey gets any benefit from those dues?—I have frequently heard it made a subject of complaint, that for 16 miles of the navigation up to Runcorn, which is claimed to be within the port andover which are a the dues are levied, is for the purpose of expenditure not treated as within the port, and nothing is expended by the corporation of Liverpool along that 16 miles of navigation. I believe it will be proved to this Committee that for the purpose of putting up lights' buoys, and for general purposes, the merchants at Runcorn who pay some 4,000*l.* a year for town dues, voluntarily rate themselves to contribute in aid of the Duke of Bridgwater's navigation, towards expenses which have to be incurred with regard to that part of the port.

198. Mr. *Vance.*] Do you seriously apprehend that the effect of continuing to levy the dues at Liverpool will be to drive the shipping out of the Mersey to some other port?—I do not think it is at all impossible; I do not suggest it as a very strong probability, but I believe it is quite possible that such a circumstance may arise.

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199. Perhaps you could suggest a port on the west coast that would take the place of Liverpool?—I do not know that I could very well suggest where the port might be; it is possible that the port might be a considerable distance from Liverpool, and yet prove a very strong competitor. I saw the proceedings of a recent meeting of the Dock Committee at which the question was raised, what sort of accommodation they were prepared to provide for the large steamer which is being built on the Thames, and it was then stated that at Milford Haven strong inducements were being held out to the proprietors of the vessel to go there, upon the representation that the necessary accommodation would be provided. Now I can very easily conceive that Milford Haven may become some day or other a very formidable competitor to Liverpool, seeing that railway communication makes the distance along which the traffic has to go not of so much importance.

200. Would not the extra carriage of goods from Manchester to Milford Haven be vastly more than any charge for local dues that could be levied upon those goods upon their shipment?—I have no doubt it would be much heavier than the charge of town dues, but that would form a very small part of the question; you must take the town dues in connexion with all the other dues and charges which are levied in Liverpool. The distance, so far as carriage is concerned, is certainly not so very material; I do know that the Birkenhead Company competes in carriage by agreeing to charge the same rates to Manchester as other railways, although they have to take the goods many miles round.

201. You cannot compare the distance between Birkenhead and Liverpool, and the distance between Milford Haven and Liverpool?—I am speaking of the distance between Birkenhead and Manchester, and Liverpool and Manchester; they have to go a long way round from Birkenhead to get to Manchester, yet I believe the carriage is the same though the mileage is much greater. I have suggested that the taxation may become at last too onerous; it is the last straw which breaks the horse's back; but whether that arises or not, it does not seem to be the less unjust to be charging shipping for nothing.

202. You spoke of the inequality of the local dues upon various articles imported. Does not it appear that they are levied in a great measure upon the bulk of goods rather than upon their value?—I think that has been shown very clearly to be a mixed question, and a very complicated question. It is quite clear that they are levied without the slightest reference to value. Therein, I think, is the great injustice of the tax. A package worth a very large sum pays just the same as a package of inferior value. It is quite clear that there is no principle whatever for fixing the due. When the article is not named, then the principle seems to be that they must be considered as "dry goods," a sort of comprehensive phrase to include everything not named. It would appear also as if the due was to be regulated by the sort of package in which the goods happen to come. I confess I cannot discover any intelligible principle of any kind; it seems to be rather get what you can.

203. You state as a matter of complaint, that the land which was reclaimed by the dock estate was afterwards taken possession of by the Corporation of Liverpool and sold to the dock estate again?—Yes.

204. Upon whom do you consider that a grievance?—On the trade and commerce of the port of the Mersey. I say that if common foresight had been exercised, in fact, if those who represented trade and commerce had been allowed to exercise the ordinary prudence in making their bargains in the first instance, that land would have belonged to the trust with whose money it was made, and it would never have had to be purchased a second time from the Corporation of Liverpool. It is shown that such was the course of action when they were buying land from Lord Sefton and private individuals. It was only when the corporation as dock trustees were dealing with the corporation as the representatives of the town that that anomalous state of circumstances was allowed to arise; and I conceive it is a grievance upon the commerce generally that first of all with the dues which are extracted from commerce, the land is made, the corporation not paying a farthing towards it; that the corporation claim it, and then afterwards trade and commerce have again to buy it, at, I have no doubt, fair prices looking at the value of the land; but they have to buy the land, which they had themselves made, from the Corporation of Liverpool, and for such purchases they have paid upwards of a million.

205. But

205. But the money by which the purchase was made is devoted to public objects, is it not?—No; that is just my complaint; it is not devoted to public objects; it is devoted to objects which are beneficial to the town of Liverpool, and not in any way beneficial to the port of Liverpool or to the shipping which has been called upon to pay it. In fact it represents part of the debt for the payment of the interest upon which larger dock dues have to be levied, than would ever have been necessary if these transactions had not taken place.

206. Mr. *Cardwell.*] You mean that the corporation constituting the larger portion of the dock trust, act as the purchasers, and that the same corporation on their own behalf act as the sellers?—Certainly.

207. That then, the money with which the purchase is made, constitutes part of a debt, the interest of which, and the sinking fund, if any, has to be provided for by the shipping?—Certainly; a tax upon the commerce.

208. The whole of the capital paid goes to a fund with which the shipping have no concern, and from which they derive no benefit?—Certainly; and to increase to an enormous extent the corporate property; what that property is of course we cannot tell. I hope the Committee will have a return. I may mention the fact, that some time ago Mr. Robertson Gladstone proposed that a return should be made of the amount of the corporate property; that was objected to; and the objection urged in the town council of Liverpool was that it would take three years to make out the return, and require an expensive staff of clerks. I have never seen that the return has been presented.

209. Adverting to the question you were asked before, with regard to the possibility of any trade being diverted by reason of the charges, are you aware of a correspondence which took place a few years ago with regard to the railway charges between Manchester and London?—I am not. I may state that I am aware that at the present time a trade to a very large extent is springing up between Manchester and London, which formerly went to Liverpool, in which parties, for the purpose of obtaining trade to London, agree to take the goods from Manchester to Calcutta and other places at one specified charge, including all the charges that would be payable at Liverpool, and the railway carriage, and everything else. I believe a large amount of traffic now finds its way to London in that way for places abroad, which formerly went to Liverpool.

210. Mr. *Horsfall.*] With regard to the question that was put to you by Mr. Cardwell, as to the sale of the land from the corporation to the dock estate, or from the dock estate to the corporation, are you not aware that every sale which is so made must be under the verdict of a jury?—I am quite aware of that; I am also aware of this fact; it is stated by the Corporation Commissioners in this report, that the same parties instruct the counsel, who were appearing both for the buyer and the seller; that it is in fact the corporation who are instructing both sides; I have shown how in one instance in which the corporation thought that improper instructions were being given by the dock trustees, they vetoed the proceedings of the dock trustees.

211. Mr. *Hardy.*] In those purchases of land in which you say arrangements have been made as with Lord Sefton, can you say whether the consideration was given in the amount of money paid for the land they actually got from him, or with reference to what they might get by improvement?—I cannot; I can only state as I read it.

212. Whether it was paid beforehand or not, you do not know?—I have no doubt, as a matter of common prudence, of common every-day occurrence, Lord Sefton would take that into consideration, but it will be borne in mind that they were only buying strand at the time of their making the arrangement with Lord Sefton, or with anybody else; that the land is little better than strand, of no value scarcely, and that it is only by the expenditure of money in the construction of docks that the large value attaches to it, and it is then, when it has assumed that enormous price, that it has to be bought again from the corporation by the dock estate; with Lord Sefton and others, no doubt there would be an addition to the price, but the addition would be something not to be named.

213. Besides that has it not been the case that there have been purchases by the corporation from private individuals paying in the same way for land which has been made by the works of dock trustees?—That I am not aware of; I should judge from the statements made by the merchants of Liverpool that that is not so.

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214. Were there not powers given by the Act of Parliament of last year for the dock trust to purchase from Lord Derby and others, land which had been actually made by the works of dock trustees?—No, I believe that is not so; I am not prepared to give an exact explanation; no doubt the Corporation of Liverpool can. The explanation I believe is this, that in the previous purchase from Lord Derby, the consideration was, that he should have the land made and nothing was paid for what was obtained by the docks, and now the corporation, I believe, have arranged to purchase the land which was made; but I believe that they paid nothing for the land which was required for the docks; that I believe is the nature of the transaction.

215. Mr. *Cardwell.*] You do not wish to contend, on the part of Manchester, that the Corporation of Liverpool should sell their property at a lower price than a private individual similarly situated could obtain?—Certainly not.

216. Mr. *Horsfall.*] When you speak of this large steamer going to Milford Haven, you do not mean to convey to the Committee that she was going there merely on account of the oppressiveness of the dues, but because Liverpool could not give the accommodation which she required?—I saw by what passed at the meeting that they had offered to make arrangements at Milford Haven. The question was whether it was worth while for Liverpool to make special arrangements for that steamer; I merely mentioned Milford Haven as a port desirous to compete with Liverpool.

217. You are aware of this fact, that notwithstanding these dues, which by some are considered oppressive at Liverpool, there is no port in the United Kingdom, or in the world, which has gone on increasing in the same ratio, year by year, that Liverpool has?—Yes.

218. Mr. *Hardy.*] Was not it just the reverse with Bristol, that Bristol was going rapidly down hill by putting on heavy rates, and they were obliged to make an alteration to recover the trade?—Bristol was going down hill; the rates were heavy.

219. The Shipping Dues Commissioners say, "the dock rates consequently remained chargeable at the original heavy rate on all trade in the port, and the result was, that the local charges on trade at Bristol were unusually heavy, and it became the general opinion that the port was decaying under the pressure"?—It may have been so; and for the purpose for which I refer to Bristol it is immaterial; no doubt the trade had decreased, and probably that might have been one of the causes; it rapidly increased when the corporation determined to reduce the dues, and to provide a fund to be spent in aid of the shipping.

220. In that instance the public who were affected, took steps on their own account to put themselves in a better position?—No doubt the town did; and the time may come when something of the same kind may be the desire of Liverpool.

221. Mr. *Cardwell.*] I want to obtain from you the operation of the Municipal Reform Act upon the representatives of the householders of Liverpool, in case they should at any time be desirous of pursuing a policy in any respect analogous to that which seems has been pursued with good effect at Bristol; are there not in the Municipal Reform Act two provisions which would stand in their way, namely, one which prevents their applying to any other than municipal purposes the dues in question, and secondly, one which prevents their reducing the amount of the dues without the consent of the bondholders, that is to say, which practically prevents their reducing them at all?—Undoubtedly that is the effect of the 92d clause, or of that portion which relates to dues.

222. If then the Liverpool people should ever desire to pursue the Bristol policy, they will be prevented from doing so unless Parliament makes some alteration in the Municipal Reform Act?—No doubt.

223. Mr. *Hardy.*] Would not the Municipal Reform Act apply to Bristol with respect to their town dues also; I suppose that this Act of Parliament which they obtained, gave them power to deal with the town dues?—No doubt the Municipal Reform Act would equally apply to them, but the Bristol people thought it of so much importance that they came to Parliament to get a special Act which authorised the rate which is now made for the benefit of shipping.

224. Mr. *Watson.*] What is there in the 92d section of the Municipal Reform Act to prevent the Corporation of Liverpool from applying large portions of that fund derived from shipping to the amendment of the port, or for the benefit of shipping?

shipping?—The Act requires the surplus of any borough fund to be appropriated for the benefit of the inhabitants at large.

225. For the borough?—The inhabitants it says; it is an important difference. It might be said, and I think very properly said, that any expenditure in making docks, or improving docks, or improving the Mersey, or in connexion with the accommodation of shipping generally, was not an expenditure for the benefit of the inhabitants. That would have to be construed with reference to the classes of expenditure which are expressly named. It would be held, I think, to be an expenditure *ejusdem generis* that was intended to be included within those words.

226. Is it your opinion that they could not expend the surplus upon the port, being part of the borough of Liverpool?—The port is certainly not a part of the municipal borough of Liverpool.

227. It belongs to the municipal borough, does not it?—A very small portion.

228. You say you have given opinions upon that question. Are they the opinions of any person who has considered that subject, lawyers or statesmen; or whose opinions are they?—I do not quite understand the question.

229. You say you have the opinions of certain persons?—I have. I have read many extracts to show that the expenditure was an expenditure for the benefit of the town, as distinguished from other expenditure, such as that which is being referred to. It was to show that the expenditure had been really for the benefit of the town, which, I say, is in accordance with the 92d clause of the Municipal Reform Act.

230. Have you the opinion of any person of weight and consequence, either a statesman or a lawyer, who would say you could not expend any of those dues collected for the improvement of the port?—I am not prepared to quote any opinion. I believe it could not be legally done; but if it is doubtful, it is desirable that the doubt should be removed. That it has not been done is clearly shown, and unless it comes clearly within the power of the corporation, and be absolutely obligatory upon the corporation, I fear the expenditure for the benefit of the shipping will not take place.

231. The corporation are the conservators of the river, are they not?—No; they claimed to be conservators of the river. They had a contest with the Mersey and Irwell navigation, and it was held that under their Act the Mersey and Irwell navigation were the conservators. Since that time there has been a conservancy appointed which is formed of three leading officers of Government, whose names I quite forget, and they appoint an acting conservator; but in the Report of the Board of Trade I see it is stated that there really is no sufficient conservancy existing. It is suggested that it should be made a real conservancy.

232. Sir *J. Duckworth.*] You stated, I think, that there was a considerable diversion of trade from Manchester through Liverpool already to the other ports by railway?—I said that there was a particular branch of the trade, a large portion of which now comes to London, which formerly went to Liverpool. I believe parties have come to London to establish themselves in that particular business as forwarders of goods to Calcutta and other places, which formerly went through Liverpool, and that arises from the keen competition which exists at the present time, I suppose, for railway traffic as well as for other reasons.

233. Would it not be, in your opinion, a business-like and quite a Manchester mode of relieving themselves from the obligation of paying those tolls, by going elsewhere if they disapproved of them, if they did not, for instance, receive some compensating advantage which induced them to remain still in Liverpool?—I am afraid that the remedy might be even worse than the disease; I do not suggest that there is any port that is at all equal in its advantages and accommodation with Liverpool, for either Manchester or any other district, but I do not think it makes it less unjust to raise taxes from commerce, from which commerce does not derive any benefit.

234. At all events, there is something in the position of the port or the circumstances of it, which, notwithstanding those dues, induces the Manchester people to frequent it?—No doubt there is.

235. You have mentioned, as an illustration of the effect upon the Manchester trade, one instance; no doubt you could mention many others, that of a builder?—Yes.

236. I presume, in regard to his trade, that timber is the thing which is prin-

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cipally affected?—Yes; it was in connection with timber my attention was particularly drawn to the hardship which the large builders or contractors suffer.

237. Are you aware what is the charge made upon timber under those local dues?—I cannot tell; it is very small.

238. Do you consider that if 6*d.* is the charge upon a load of 50 feet of Canada pine, that it would be a very heavy charge; that it would in any way seriously affect the trade of a builder to whom you have referred?—I believe it is found to affect them. I cannot calculate how much it would annually amount to, but there are other articles which have been specially referred to in which the hardship would be more likely to be felt; to any person engaged in the salt trade, or in the coal trade or flint, the tax appears much larger, and really does form a very considerable per centage upon the business done; it would be quite possible for a freeman to be carrying on business with a moderate profit whilst a non-freeman would be carrying on business at a loss.

239. At all events, in the case of timber, you would hardly say the charge of 6*d.* upon 50 feet would make any very serious difference in a contract?—It does not appear a very large amount.

240. *Chairman.*] The charge upon salt is 6*d.* per ton?—I believe it is.

241. That is upon 7*s.* 6*d.*?—Six shillings, sometimes.

242. Mr. *Gibson.*] Is it not contended by the freemen that they have a vested interest in that exemption?—No doubt.

243. Have you ever heard that propositions have been entertained by the Corporation of Liverpool to put the freemen upon the same footing as the non-freemen?—No, I never heard that any such proposition had been entertained; of course, all the contests which have taken place in Liverpool with reference to these dues have been between the non-freemen and the freemen; the trial which has been referred to arose on the part of non-freemen, and the complaint particularly of those distinctions, and it was stated that one reason for agreeing to compromise the action of 1833 was, that they expected that those distinctions would be abolished by the Municipal Act.

244. *Chairman.*] Have not several of the firms or member of those firms who combined to try that action since become freemen?—I do not know that any of them have since become freemen.

245. Mr. *Horsfall.*] You are aware, I believe, that since June 1835 no new freeman can claim exemption from the town dues, that is, no party who was not then born or serving his time can subsequently to that period claim exemption?—That is so.

246. Consequently they have been decreasing year by year in numbers?—No doubt they have been decreasing. I believe it is estimated that they will die away, probably in some 50 or 60 years; they are numerous now; there are 900 and odd.

247. Mr. *Moffatt.*] You have been asked with reference to timber. You appear on behalf of Manchester, not to object so much to the charge of heavy dues as to complain of a system by which Manchester may be charged with those dues, for the benefit of Liverpool and the damage of its own interests?—That is the complaint.

248. Are the Committee to understand that what is felt in Manchester is felt in the other manufacturing districts of Lancashire?—There is no doubt about it. I am in communication, or have been, with nearly all the manufacturing towns in Yorkshire, as well as with Birmingham and the iron districts, and with the Potteries, where the article taxed is of less value. Sheffield and other places all make the same complaint. There is no doubt the burden is so distributed that it is not felt to be very onerous upon individuals; but when you consider how much is extracted out of a town the amount becomes considerable, and the district now knows that it is really taxed to the extent of something like 150,000 *l.* a year (in addition to many hundreds of thousands a year of dock dues), for which they get nothing, and have no right to get anything.

249. Mr. *Duncan.*] Are those dues applied to Ireland as well as Scotland; does every bale of goods manufactured in Dundee, going abroad, pay the tax coming into or going out of Liverpool?—Yes; the traffic from Ireland is very large indeed. As was stated by the Honourable Member for Newry, the dues are nothing but passing tolls; everything that comes from Ireland or goes to Ireland pays this due. All that goes to Runcorn pays it, though it never goes into Liverpool, but passes it.

250. The

250. The tax is general?—It is.

251. Mr. *Moffatt.*] Have the Liverpool Corporation the power of increasing this tax?—The power which the corporation exercise is so extraordinary that I should say they could increase it as easily as they could create it. They cannot reduce it, because the Municipal Corporation Act stops them; but there is nothing to say what they shall charge upon new articles.

252. Upon new articles they have the power to charge whatever amount of due they think proper?—As far as I can discover, that is the principle which is adopted.

253. Your belief is, that throughout the great manufacturing district that tax is protested against, as being a tax paid by them from which they derive no benefit?—No doubt.

254. Mr. *Horsfall.*] Can you mention any one article upon which the corporation have raised the rate?—No. The question asked was whether they have the power. I say I cannot answer whether they have the power or not. I think they have as much power to do that as many other things which we hear are done; but I cannot mention any instance in which it has been increased recently. There is no doubt I could mention many instances where it has been increased prior to the passing of the Municipal Reform Act. By a reference to this book it will be seen that such instances were put forward before the Corporation Commissioners to a very considerable extent, to show that the dues have not only been increased, but that they have been reduced; and what they could do before the Municipal Corporation Act passed, as regards increase, they can do now, because there is nothing in the Act at all to take away that power.

255. Mr. *Vance.*] Will you furnish the Committee with a statement of what the local rates in Manchester are annually, exclusive of the poor rate, per pound?—I will obtain the information and furnish it to the Committee at a subsequent meeting.

256. Mr. *M. Gibson.*] Who actually receives the town dues?—They are received in the Custom-house, I believe, and by the collector, or under the direction of the collector, who is appointed by the corporation. It was made matter of complaint before the Shipping Dues Commissioners, that parties could not get their goods cleared from the Custom-house without producing a receipt for the town dues, and it was urged that such was a very improper interference, if it were permitted, on the part of the officers of the Customs. I am not prepared to say that there is that interference, but it was stated as a ground of complaint before the Shipping Dues Commissioners, and it was said it would be inquired into, and, if necessary, some representation made; but they are in connexion in some way or other; it is in the Custom-house they are received. I believe there is a sort of necessary communication between the different officers.

257. You have never heard that the Queen's officers have any authority vested in them to withhold the clearance of a ship if the town dues are not paid?—I believe they have no legal authority whatever to do anything of the kind, but I believe such a practice has existed; whether it exists at the present moment or not I cannot tell.

258. *Chairman.*] They have as regards the dock dues; does not the Act imposing the dock dues which authorise them to detain the ship?—I am certain as regards the town dues they have not the power, because I believe you will not find the town dues named in any Act obtained by the Corporation of Liverpool; they have been carefully excluded.

259. Mr. *Horsfall.*] You stated just now, it was represented to the Shipping Dues Commissioners that those dues were collected by the Queen's officers?—That they refused to clear the vessels till the town dues were paid.

260. Are not you aware it was stated by the Town Clerk of Liverpool that that was an entire mistake?—I have no recollection of it; if you state it, I am quite prepared to say it was so; all I recollect is, that the Commissioners said it ought to be inquired into.

261. Mr. *Hardy.*] Have you not a case at Manchester in which some ratepayers pay for the benefit of others?—No, I think we have not.

262. Do not the gas consumers at Manchester pay 12,000 *l.* a year for the benefit of the water consumers?—If I am to answer the question I must make it rather a lengthy one; we charge for gas what the gas is worth, and we charge no more.

263. Mr. *Bouverie.*] Do you mean what it costs?—Certainly not what it costs.

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We make a profit like others, and the amount of profit depends upon the management, and there may be more profit in some cases than there is in others, and I believe, in Manchester the price charged for gas is not at all a high price, considering the quality; I believe if the illuminating power of the gas is taken into consideration, and were compared with any other gas, it would be found to be cheap. Now the gasworks belong to the township of Manchester, and by Act of Parliament the surplus profits are to be expended in the improvement of the town, and large amounts have been so expended; we have had such profits in addition to the rate referred to by the Town Clerk of Liverpool, Mr. Foster, to enable us to make improvements. Market-street was made by means of a special rate, but most of the other improvements have been made by the manufacture of gas. To obtain a supply of water an expenditure of something like 1,250,000 *l.* has been incurred; and the question arose, whether it would be more for the interest of the inhabitants that the whole of the gas profit should be spent in making improvements in streets, or whether it would be more for their interest that a portion of those gas profits, that would otherwise be so expended, should go in aid of the enormous expenses incurred in obtaining the supply of water. The Town Council considered that it would be more for the benefit of the inhabitants to appropriate a portion of the gas profits in that way than to expend those profits in making improvements; but the Committee will see that the price charged for gas has nothing in the world to do with the appropriation of the gas profits; the gas profits were required by Parliament to be spent in making improvements in the town, and for a limited period the council obtained powers from Parliament to expend a portion of those profits in aid of the waterworks. We had spent 1,250,000 *l.* in getting a larger supply of water than the present necessities of the inhabitants require; it was therefore thought unreasonable, if any possible mode could be devised of avoiding it, to make the present water consumers pay for the water that really is obtained for future generations. We shall, probably, in the course of a short time, by sales for domestic purposes, and for trading purposes, and by an increase of the domestic consumption, be in a position to do without any part of the profits arising from gas; but the price of gas is not dependent in any way upon such appropriation; the inhabitants if they are dissatisfied with that price can alter it, but the appropriation of gas profits was for improvements until we obtained power to apply a portion only of such profits for a limited period in aid of the water expenses.

264. Mr. *Cardwell.*] The consumers of gas are also users of water, are they not?—No doubt they are.

265. Mr. *Hardy.*] They pay their rates for that, I presume, like the rest of the borough?—Yes.

266. Is it not the fact that the gas of Manchester is at a higher rate than in almost any of the neighbouring towns?—I believe the gas is higher in price, but, as I said before, I believe it is a fact which can be indisputably proved, that the price of the gas is lower when the quality of the gas is considered. I will give the Committee an illustration: in Acts of Parliament we usually find the maximum price to be charged fixed: in a private Bill the other day it was proposed to fix 4 *s.* 9 *d.*; our price is from 5 *s.* to 4 *s.*; the committee proposed to insert a clause in the Bill referred to, requiring that the illuminating power should not be less than 12 sperm candles, and the promoters of the Bill refused to accept such a clause. Now the illuminating power of gas in Manchester is equal to 22 to 24 sperm candles burning 120 grains in the hour.

267. Mr. *Bouverie.*] What do you charge now?—Five shillings is the maximum; the average is 4 *s.* 6 *d.*, so that it is quite clear that to compare gas by reference merely to price without taking into account the quality of the gas, is an absolute absurdity.

268. Mr. *Hardy.*] Is it not the fact, that if you did not want 12,000 *l.* a year for the purposes of water supply, you could materially for the benefit of the gas consumer lower the price of gas?—Certainly not; there is, beyond the appropriation to water, a large sum expended in improvements that would enable us to reduce the price of gas, if it were considered, as compared with the price charged elsewhere, too high. Of course, if the profit were to amount to something very extraordinary, and the interests of the public in Manchester did not require for very and indispensable improvements all the profits obtained by reasonable charges, there would be a reason for reducing the price of gas; but

we

we consider that the price is lower in Manchester than in other places, if all things are taken into consideration. *J. Heron*, Esq.

269. Mr. *Horsfall.*] Has your attention been directed to the price of gas in other towns?—I have from time to time had my attention directed to it. I believe the price of gas in Liverpool is rather lower. You have a maximum of 4*s.* 6*d.*, I believe. 21 April 1856.

270. You said yours was 4*s.* 9*d.*?—From 4*s.* to 5*s.*

271. Can you tell the price at Bolton?—I cannot.

272. At Glasgow?—I cannot. I know the price at Bolton was reduced to something perfectly absurd, because there was a proposition to go to Parliament for a Gas Bill, and it was soon after raised. I believe the price at Bolton is not low, but I cannot positively state what is the price.

273. Mr. *Vance.*] Do not many Manchester warehousemen who use gas live beyond the limits of the supply of water?—They live beyond the limits of the rating power. The water is supplied in Manchester to all living within the city by rates. Whether they take the water or not they have to pay the rates.

274. Private residences are in many instances beyond the supply of water?—Private residences are in many instances beyond where the water goes; they have been very anxious to get the water. I believe the water now goes on all sides of the town, to supply nearly all private residences.

275. Mr. *Horsfall.*] Referring to the question which was put to you by the honourable Member for Dublin, will you furnish the Committee next Thursday with the rates levied by the Council of Manchester in the years 1852-53, 1853-54, and 1854-55; will it take much time?—It will take a very considerable time; but I will obtain that information.

276. Sir *J. Duckworth.*] Are all the rates made upon the same assessment?—They are based upon the Poor-law assessment.

277. Can you state whether that assessment is for full value, or at what reduction from the full value?—There is a reduction for the purposes of the rates, to obtain the rateable value.

Jovis, 24° *die Aprilis*, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Mr. Horsfall.
Mr. Duncan.	Sir Stafford Northcote.
Lord Hotham.	Mr. Milner Gibson.
Mr. Fenwick.	Sir John Duckworth.
Mr. Moffatt.	Mr. Beamish.
Mr. Vance.	

THE RIGHT HON. ROBERT LOWE, IN THE CHAIR.

Mr. *Michael Daintry Hollins*, called in; and Examined.

278. *Chairman.*] YOU are the Chairman of the Chamber of Commerce of the Staffordshire Potteries?—Yes, I am Chairman of the Chamber of Commerce of the Staffordshire Potteries. Mr. *M. D. Hollins.* 24 April 1856.

279. Do you attend here to give evidence on their behalf and by their direction?—I attend, by direction of a Committee of that body, to represent the manufacturers of our district, who consider themselves affected by the town dues of Liverpool, or rather in support of the Bill for their abolition.

280. You are a member of the firm of Minton & Company?—I am.

281. Do you carry on business on an extensive scale?—We employ about 1,500 hands.

282. In what manufacture?—China and earthenware. The materials for our manufacture are not found in the immediate district, but are obtained from the neighbourhood of Dorsetshire, Devonshire, Cornwall, and Kent; they are brought by coasters, and transhipped at Runcorn.

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283. Transhipped into what?—Into the Duke of Bridgewater's and other canal boats at Runcorn; and although those boats do not go nearer than just passing down the river, we still are charged, for all our materials, the town dues of Liverpool, which average 1 *d.* per ton on some of the materials, and 3 *d.* or 4 *d.*, I think, a ton, on the clays.

284. What is the 1 *d.* for?—One penny on flint and china stone.

285. Where does the clay come from?—The blue clay from Devonshire and Dorsetshire, and the china clay from Cornwall.

286. Where does the flint come from?—The flint comes principally from Kent; as far as the statistics of our district enable me to judge, the import of clay and other materials amounts to upwards of 100,000 tons a year, upon which we pay town dues to the amount of about 1,000 *l.* Our goods, after they are manufactured, are also charged, whether they go by railway to Runcorn, or whether they go direct to the town of Liverpool. I suppose there are upwards of 200,000 packages.

287. That is, goods for export?—Yes.

288. Do goods sent direct to Liverpool, and not further, pay town dues?—No; the principal part of the trade of the Potteries is for exportation; I think two-thirds are exported.

289. To what countries?—Principally to America, the Continent, and our colonies.

290. All that is sent to Runcorn or to Liverpool for exportation pays town dues?—Yes.

291. To what extent?—Twopence for crates, whatever the size may be; and those crates vary considerably, some of them not weighing more than 2 cwt., and others weighing 15 cwt. In particular trades it is necessary that the packages should be small, although the ware is, generally speaking, of the coarsest description; still the same amount of town dues is paid for the small crates as the large ones; and I think if they are packed in a cask or puncheon, they are charged 3 *d.* Although the amount of those town dues seems small individually, yet upon the low description of clay material it is rather a heavy per-centage. Most of our clays average from 14 *s.* to 30 *s.* per ton, and flints about 20 *s.* to 25 *s.* per ton; therefore if you come to charge 3 *d.* per ton upon them, it amounts to as much as 1¼ per cent.; and many of the small packages, which are charged with a town due of 2 *d.*, are not in value worth more than 20 *s.*

292. If the Committee understand you rightly, you state that the raw material of your manufactures pays the town dues first, and then when exported as manufactured articles, it pays them again?—Yes.

293. Have you made any calculation as to the number of packages that are exported?—I think we export about 200,000.

294. And you say that about 100,000 tons of clay imported pay about 1,000 *l.*?—Yes; the packages pay about 2,400 *l.* or 2,500 *l.* a year altogether, making for the manufacturers alone nearly 4,000 *l.* a year, and this is entirely independent of any other trade of the district; of course all the timber, iron, groceries, drysalteries, and other matters do not enter into that calculation at all. I should say that it would amount to considerably more than the amount I have stated, 4,000 *l.*, if any accurate account could be obtained of all the articles consumed in the district, and exported out of it.

295. Are there any other articles employed by the manufacturers in the Potteries which pay town dues?—Boracic acid, tinkle, lead, turpentine, and oils, which are consumed to a certain extent, I believe, all pay town dues.

296. Do you receive any consideration whatever for those town dues?—We believe not; we believe there is no consideration; in fact, as far as I have been able to ascertain, the corporation of Liverpool do not interfere with the navigation of the river Mersey beyond the boundaries of the borough; Runcorn is situated 18 miles from Liverpool, and I suppose 16 or 17 miles beyond the boundaries of the borough; and still those dues are charged. I may also state that the shipowners, in connexion with the Bridgewater Trustees and other parties at Runcorn, have a voluntary rate for keeping the navigation of the river between Liverpool and Runcorn in a proper state of buoyage and lighting, although these dues are paid to the corporation of Liverpool.

297. Do you pay dock rates?—The consumers, of course, do not pay dock rates, but I believe the vessels going into Liverpool, or discharging within the boundaries

boundaries, pay dock rates, and I apprehend all our ships pay the lighting rate, which is a separate rate.

298. Is there not a rate imposed for the purpose of lighting?—Yes, that would be paid by the shipowners, not by the consumers of the goods.

299. Runcorn gets no benefit from the rate?—No benefit, as far as we are able to ascertain.

300. You are taxed, as far as you can calculate, to the amount of 4,000 *l.*?—Yes, the manufacturers of china and earthenware.

301. Besides what you are taxed in common with the rest?—Yes.

302. Is this tax of any great importance to you, do you think?—We consider that, from the nature of our business, the disabilities under which we labour, that is to say, the inland carriage, being very considerable, this additional tax is more felt. When I state that the carriage per ton between Runcorn and the Potteries will average about 8 *s.* upon raw materials not costing more than from 20 *s.* to 30 *s.*, it will be seen that the inland carriage itself is a very considerable item, and that we labour under a disadvantage in that respect in comparison with the northern potters, who for the last few years have been making very rapid strides. I allude to the potteries at Newcastle-on-Tyne and also in Glasgow, where the vessels come almost alongside the manufactories and discharge their clay, and are not subject to any inland carriage either for the raw material or for the manufactured goods; of course any extra charges upon our raw materials increase our difficulties with respect to the competition which we have to meet. I may also state that the common trade of the district has been considerably affected by this competition; in fact the greater part of the common trade of the Staffordshire Potteries is lost; it is now taken to the other district.

303. What do you call common trade?—What we term the coarser description of goods, the common cream-coloured goods.

304. The coarser kinds of manufacture, you say, are taken away from you?—They have left the district within the last 10 or 15 years; a considerable portion of the commoner trade of the Potteries has been lost.

305. Where has it gone to?—To the potteries at Newcastle-upon-Tyne and Glasgow.

306. Has there any American competition sprung up against you?—At present not to any considerable extent.

307. Is there any in the colonies?—I believe there are no manufactures in the colonies.

308. Then, in the particular condition of your trade, you consider this burthen is serious?—We consider this burthen is serious; but from our position and our not entering into the port of Liverpool, we consider that we are not justly chargeable to it.

309. You get no consideration for it?—We get no consideration for it. We have also a very important trade springing up in our district, that is the iron trade, which is being removed from the south more to the north of Staffordshire; we have now 24 furnaces at work, making upwards of 2,000 tons of pig-iron per week.

310. Is that round Stoke?—Just immediately in the neighbourhood of Stoke, which has sprung up within the last ten years. Ten years ago there were not more than eight furnaces, and I think only one forge; we have now 24 or 26 furnaces, with three or four forges at work. Those, of course, will all become affected in any exports going by Liverpool; they charge the town dues at 3 *d.* a ton upon pig-iron, and 6 *d.* upon manufactured iron; I have some expectation that that part of the trade will be represented by an ironmaster.

311. Is there any Government duty either on the raw material of your manufacture, or on its export?—I believe not.

312. Is there anything else you have to state to the Committee?—No.

313. Sir *J. Duckworth.*] I presume you meant to imply that these dues are not a very important item in regard to your trade?—We consider them important, inasmuch that the per-centage they bear on the raw material, and the value of the goods manufactured, is something considerable; when it comes to one per cent. it is a matter of some importance; one per cent. in many trades is a very handsome profit.

314. Your opinion is that your trade has been to a certain extent diverted by these dues?—Of course, along with any other additional burthens.

315. I presume you are aware that there are local dues at Newcastle?—Yes;

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but if you double or treble the local dues of Newcastle, or any other port, they have the advantage in inland carriage. Our inland carriage amounts to 8 *s.* in 20 *s.* and 30 *s.*, whereas the Newcastle manufacturer has nothing of that sort to contend with. I mean to say that our local disabilities, from the position in which we are placed, gives them an advantage over us, and is an additional reason why those dues should not be charged upon our manufactures.

316. Would it not seem from your explanation that it is the inland carriage, rather than the local dues, which affect your trade?—I am quite ready to admit that.

317. Sir *S. Northcote.*] You say that the coarser manufactures of the Potteries are leaving you?—Yes.

318. Is that the case with regard to the finer descriptions?—The finer description has much increased.

319. Lord *Hotham.*] How much do you say you paid in respect to the raw material?—I think it is about 1,000 *l.*

320. For the export?—About, as near as we can arrive at it, 2,400 *l.* or 2,500 *l.*

321. I thought you stated you paid altogether 4,000 *l.*?—Nearly 4,000 *l.* That calculation I made upon returns that were furnished to me of goods sent through the Duke of Bridgewater's trustees, as the most accurate information I could get, as everything passes through their books; but there is a certain amount sent direct by railway to the town of Liverpool, which does not pass through the Duke of Bridgewater's Canal, and therefore is not found in that calculation; when I stated, probably 4,000 *l.*, I included that.

322. You have stated the amount as 4,000 *l.*, but the items make only 3,500 *l.*?—Those calculations are as accurate as the district is able to afford them; there is no statistic kept, and no means of getting an accurate return, but those are as nearly accurate as we have.

323. Were the other materials that you named included?—The boracic acid, and anything entering into our manufacture; there is timber, and that sort of thing.

324. Do you include timber?—I do not include groceries, or anything used in common; I was only alluding, in that sum, to what we as manufacturers pay.

325. Mr. *Duncan.*] You say the two principal articles you use in your manufacture are clay and flint?—Yes.

326. What is the price of the clay at the port of shipment?—I think from 14 *s.* to 30 *s.* per ton.

327. The flint?—We buy the flint delivered to us in the Potteries; it varies from 25 *s.* to 26 *s.* a ton.

328. What due is charged upon the clay?—The clay is 3 *d.* per ton; the flints are 1 *d.*

329. Then, on the raw material of clay, which is worth 14 *s.* to 30 *s.* a ton, you pay 3 *d.*, and on the other, though it is worth 5 *s.* or 6 *s.* a ton more, you pay only 1 *d.*?—Yes; and with respect to china stone, which is also a more expensive article, being almost of the same value as clay, upon that we only pay 1 *d.*

330. Where is that shipped?—From Cornwall, the same place as the china clay; I am not quite certain, but I believe the china clay pays more than the pipe clay or the earthenware clay.

331. Mr. *Horsfall.*] You spoke of two-thirds of the trade of the Potteries being for export?—Yes.

332. Is that exported on the manufacturer's account, or is it exported consequent upon orders received from Liverpool and elsewhere?—I should say that the greater portion is exported on account of orders received from Liverpool and elsewhere.

333. Then, in fact, those dues are not paid by the manufacturers, but by parties who export the goods?—By parties who export the goods. But in cases where the manufacturers are their own consigners, of which there are several, they have to pay the dues; and in cases where the manufacturer happens to be a freeman of Liverpool, he gets the advantage of not having to pay either for his imports or his exports, as in the case of one or two of our manufacturers.

334. Mr. *Moffatt.*] In point of fact, those Liverpool dues are a tax upon your trade, whoever pays them, upon the article manufactured?—Yes, it is clearly a tax;

a tax; it has to be paid before the parties can receive any consignment of our goods.

335. *Chairman.*] It raises the price of the goods?—Yes; those are charges to parties to whom the goods are shipped by the shipping agent.

336. Mr. *Vance.*] Have the local dues been long a matter of complaint in your district?—A very short time; I think it was first about three or four years ago. I had some evidence upon the subject: it was intended to have established a route by Lancaster, and to have come along the line of railway, and it was represented in that case that we should get rid of those dues. That was the first time that I went into the question; but I may state, until much more recently, in our own immediate neighbourhood, it was supposed that those town dues were legitimately employed in keeping in repair the navigation and lighthouses; that it was a legitimate charge for that purpose, and for that purpose alone.

337. Then there was no complaint about them; they were not felt burthensome?—They were not complained of, supposing they were fair charges.

338. They were not felt burthensome at that time?—They were not felt burthensome, any more than a charge of that kind is a burthen to a manufacturer.

339. Have you had any communications from Manchester, as chairman of the Chamber of Commerce in your district, respecting those local dues?—Not until we had ourselves formed a committee for collecting all the evidence we could, with the intention of petitioning, and afterwards appearing before this Committee.

340. Your forming this committee was previous to your communicating with the manufacturers?—Yes.

341. How long ago was that?—It was in the last autumn; but I have stated before, that three or four years ago the subject was brought before the district.

342. Mr. *Horsfall*] By whom was it brought before the district?—By the Chamber of Commerce?—I do not think the document is dated, but I prepared myself a list in which those town dues were named.

343. *Chairman.*] A list of resolutions?—No, of evidence to be given with respect to a branch canal to cut across to join one of the canals. I forget the name of the canal; it is in connexion with the Trent and Mersey; and those dues were pointed out as being charged upon our clay; that is some two or three years ago.

344. Was that an argument against cutting that canal?—In favour of Parliament granting it; however, it never came before the Committee of the House of Commons.

345. Mr. *Fenwick.*] Are the Committee to understand you that if those dues were applied to the improvement of the navigation of the Mersey or giving greater facilities for commerce, the manufacturers in your district would not complain of them?—They would not complain of them.

346. Sir *J. Duckworth.*] You stated that previously to the time when the question arose in your district, you had supposed those dues were employed in maintaining the port and the lights of the port?—Yes, in expenses connected with the shipping interest.

347. You were not aware at that time that there were light dues paid by the shipowners in addition?—We were not aware of it; in fact, I may state as the reason of our not being aware of it, some three years ago those dues that we now pay were paid by the clay merchants themselves, they selling their clay to us, delivered free of all charges at a price; the last three years that has been altered, and we now buy the clay, and pay the freight and shipping charges; so that it has come more individually before us during the last three years than it did previously; although it was paid, it was estimated in the cost of the material, and we did not pay it directly.

348. Mr. *Beamish.*] The complaint which you made just now was, that the loss of your trade in coarser goods, which had gone to Newcastle and Glasgow, was caused partly by those dues; did not that originate some years ago in competition?—The competition originated some years ago, which in the last six or seven years has gained ground very considerably.

349. Six or seven years ago you did not complain of those dues, did you?—No; I only complain of them now as being an extra charge, which of course, if removed, would be so much relief.

350. As regards the competition with Newcastle?—I should say so.

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351. Mr. *Horsfall.*] You admitted just now, that your disadvantage was the inland carriage as compared with Newcastle?—I admit, in either case, the inland carriage is the main advantage that they have, and therefore we ought to have all the advantages conferred upon us that we can; of course we cannot get rid of our inland carriage, but we can get rid, or think we can get rid, of those dues which we consider unjust as a tax, so far as they go, upon our manufactures.

352. Mr. *M. Gibson.*] Do you know who settles the amount that you are to pay?—Not at all.

353. Did you ever hear that there was any fixed line that they could not go beyond?—No.

354. Were you ever consulted as to how much you could be required to pay?—I should say not, as manufacturers; the clay merchants may have been consulted, because, in the first instance, as I have just said, it was on their goods they paid those dues.

355. Have you any reason to know whether they were consulted as to the amount which should be paid upon this clay?—I have no reason to suppose that they were.

356. Sir *J. Duckworth.*] Or the contrary?—Or the contrary.

357. Mr. *Horsfall.*] Supposing, which I believe to be the fact, that those dues are levied both at Newcastle and Liverpool, you do not mean to say, that those dues are a grievance under which you as manufacturers in the Potteries suffer as compared with Newcastle, but it is, as you stated before, that the only grievance as between the two places is the difference of inland carriage?—The advantage which the Newcastle manufacturer principally has over the Staffordshire manufacturer, is that he has no inland carriage to pay; this gives him, of course, a great advantage over us; he may have dues to pay, but having no inland carriage to pay, those dues do not affect his position in the same way that any little addition, even 6*d.* a ton upon our materials, would affect us; 6*d.* or 1*s.* a ton to us would be a very serious matter; it is not so to the person who has to compete with us, and has no inland carriage to pay; the Newcastle manufacturers, from their position and from the peculiarities of their trade, are able to buy their flints and clays very considerably cheaper than we are; therefore we contend that any extra tax upon us is a grievance and burthen, and therefore, so far as it goes, it must affect our trade injuriously.

358. Still you come back to the same point, that between Newcastle and the Potteries the only disadvantage under which you labour is the disadvantage of inland carriage?—I come back to that point, and I add to it that we have this additional tax, we consider it unjustly levied, and we do not receive any benefit from it in any way.

359. Mr. *Duncan.*] If the Committee understand you rightly, you state distinctly that you have a certain charge upon your raw material, from which the Newcastle manufacturers are perfectly free?—Yes.

360. The manufacturer of stone ware who uses the Port of Liverpool has, in addition to the charges paid by the Newcastle and Glasgow manufacturers, to pay a due varying from 1*d.* to 3*d.* a ton upon the raw material?—I do not know, but I am informed that the Newcastle people have town dues to pay; therefore they pay that in common with ourselves; but they have not got the inland carriage to pay, which we have.

361. Mr. *Fenwick.*] So that, as between the Newcastle potters and yourselves, there is practically no difference with respect to the town dues you are now complaining of?—No.

362. *Chairman.*] Are you aware that the Corporation of Newcastle only receive 7-12ths of the town dues, and that the rest go to the account of the Conservancy of the Tyne?—I am not aware of that; it is a subject in no way connected with our interest.

363. Mr. *Fenwick.*] The Committee understand that you suffer greatly in competition with Glasgow in the coarser kinds of ware; are you aware that there are no town dues at Glasgow?—I am not.

364. Do you know anything of the potteries on the River Wear?—Not as to the charges they are subject to.

365. Do you know there are potteries there?—Yes.

366. In coarser goods do not the potteries on the Wear compete with you in the market?—I should think they did.

367. Are you not aware that there are no town dues there?—No.

368. Sir

368. Sir *J. Duckworth.*] Is the Cornish clay principally used at Newcastle?—The Devonshire clay would be the principal material; one is what is termed China clay, the other earthenware; both enter into the manufacture of earthenware.

369. What are the freights of clay from the port in Devonshire to Liverpool, as compared with those from the same port to Newcastle?—Generally speaking, the freights to Liverpool are more than they are to Newcastle; and with respect to flints, I may say that we pay 25 *s.* for our flints; the potters in Newcastle can get their flints for 5 *s.* and 7 *s.*; that includes the whole freight, the expenses of the flints, and everything else; because, from their locality, the coal boats coming to London are glad to take back the flint as freight, and of course the manufacturer there gets the advantage of it.

370. Then I presume also that the calculation you have made with regard to the comparison between Newcastle and yourselves, the freight being larger to Liverpool, also affects your trade?—Anything that puts us to additional expense must affect the trade; as we consider those town dues put us to extra expense, they consequently affect our trade to an extent, as far as they go.

371. And the freight affects you?—The sea freight, the inland freight, and the town dues.

371*. The town dues are paid equally by the Newcastle potters and yourselves; therefore, as far as the town dues are concerned, which you may think unjust, the town dues being paid at Newcastle and Liverpool equally, can make no difference in comparison; the freight, you say, is more to Liverpool, and your inland carriage is more; as far as those two items go, I understand you to say that your trade is unfavourably affected in comparison with that of Newcastle?—Yes.

372. Sir *S. Northcote.*] This difference would naturally tell most upon the coarser kinds of material, would it not?—It would tell most upon the coarser kinds of material, because the per-centage is so much greater.

373. Has the coarser manufacture ever been the principal part of the Staffordshire business?—It was the principal part some 30 years ago.

374. Is it more remunerative than the finer business?—I should think it is not; less so, certainly.

375. Is the total amount of the business of the district falling off or increasing?—Increasing.

376. Mr. *Horsfall.*] When you speak of the per-centage of charge, have you entered into any calculation as to what is the per-centage of charge at Glasgow, Newcastle, and other places to which you have referred, as compared with similar charges at Liverpool; I mean for dock and town dues, the aggregate per-centage of the charge on goods exported and imported through those particular places?—No, not exactly in that way; it has been gone into, but I could not remember it; I have not got it with me.

377. Can you say, according to your impression, upon taking the aggregate of those local charges, dock and town dues, that it is to the disadvantage of Liverpool, as a whole?—I do not know at all what the dock and town dues of other ports may be, but I am speaking as to other disadvantages which we labour under.

378. Can you tell me the aggregate charge, because it is very natural, as an exporter or an importer of goods, in considering by what port you shall ship, that you should look at the aggregate charges, and not at one particular charge; have you considered the respective charges of those places as compared with Liverpool?—No, I have not.

379. *Chairman.*] Supposing the Imperial Government were to tax one set of earthenware manufacturers and not another, would you think that was a just law?—Not at all.

380. Would you think there was any economical disadvantage in such a law, besides its injustice, as a question of political economy?—I should think a very great one.

381. What would be the objection, in your opinion?—It would be placing one portion of the trade at a disadvantage to the other.

382. I suppose that the same objection would apply whoever levied the tax, whether the Imperial Government or a municipal corporation?—Yes.

383. Mr. *Vance.*] Do you know whether there is any difference in the rate of wages of the Newcastle and Glasgow workmen in your manufactories compared with

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with the wages in the Potteries?—I should say no material difference; in fact, I may answer that question almost positively, because the workmen in our district are constantly going to work in the North, and we are having workmen from the North to work with us; the wages, so far as I have been able to ascertain from those parties, (that is the only mode I have of judging) are pretty much the same.

384. You assert that there is no difference, so far as you know?—There is not a material difference.

385. Lord *Hotham.*] Are the charges made upon your goods at Liverpool subject to frequent variation?—I should say not; I should think that the charges now are fixed; our trade not varying in its character, the goods which we ship are generally crates or casks of earthenware or china, upon which there is now a known fixed change, and our materials do not change.

386. It is thoroughly understood in your trade what the charges are?—It is thoroughly understood in our trade what the charges are.

Mr. *William Rigby*, called in; and Examined.

Mr. *W. Rigby.*

387. *Chairman.*] YOU are a Merchant and Shipbroker at Runcorn?—Yes.

388. What is your firm?—Thomas and William Rigby.

389. How long has your firm been in existence?—About 30 years.

390. Are you a member of the Runcorn Improvement Commission?—Yes.

391. What is your business?—General merchants and shipbrokers.

392. What is the duty of those Runcorn Improvement Commissioners?—They have an Act of Parliament for the cleansing of the town, not connected with the Board of Health.

393. Have you any corporation in Runcorn?—No.

394. I suppose the Commissioners act something like a municipal corporation?—Yes.

395. Does their Act of Parliament give them any authority over the river?—None at all.

396. Do you come here deputed to give evidence upon this subject?—Yes; I am authorised by them under their seal.

397. What is the opinion of those whom you represent with regard to the town dues levied at Liverpool?—We consider that we are illegally taxed at Runcorn; that we cannot find any foundation for their taxing us; we do not think they have any legal right to charge us with the town dues.

398. Has the attention of the town of Runcorn been long directed to this subject?—There has always, since I recollect, been a complaint of them; but it has been more manifest this last year.

399. What has made the complaint louder this last year?—Since the Bill was brought before the House of Commons.

400. Mr. *Horsfall.*] Do you speak of the Local Dues Bill?—Yes.

401. *Chairman.*] Was any one from Runcorn examined before Her Majesty's Commissioners on Local Dues on Shipping two years ago?—I do not think there was.

402. They did not take any evidence from Runcorn?—Not that I am aware of.

403. Have you any observation to make with regard to the title under which these dues are collected?—No; we do not give any opinion upon that.

404. Can you give any account of the tonnage of the trade of Runcorn?—I think the tonnage will exceed 100,000 tons annually inwards.

405. What outwards?—About 50,000 or 60,000 tons.

406. What is the distance of Runcorn from Liverpool?—Eighteen miles by the river.

407. Have you any railway at Runcorn?—None.

408. How are those goods, brought inwards, disposed of?—We have two canals, one to go to Manchester, and the other that will take our goods all over the country to every county in the kingdom.

409. How near is the nearest railway?—Five miles, the North-Western Railway, and the Runcorn Gap Railway is across the river.

410. Do many of those goods that are imported remain in Runcorn?—None; they all go forward into the interior.

411. What is the nature of them principally?—The principal things are for the Potteries and the Manchester trade; iron for Manchester, and flints, and clay, and

and stone for the Potteries; the charge of town dues upon many of the goods for the Potteries very often exceeds the agent's commission for forwarding.

412. Are there many merchants in Runcorn?—Not many on their own account; they are principally forwarding agents, and they all act as forwarding agents as well as merchants.

413. There is a sufficient trade to support a good many commission houses?—There are perhaps 18 or 19.

414. Can you form any estimate of the amount of the town dues paid for goods imported and exported from Runcorn?—£. 2,500, or thereabouts. The expense of collection is about one-fourth of it; about 600 *l.*

415. How is it collected?—They have one person to collect it on behalf of the corporation of Liverpool. No person is allowed to clear his vessel out until he gives a receipt for the town dues.

416. That is by an officer of Her Majesty's Customs?—Yes.

417. How is the import duty collected?—In the same way.

418. Nothing is allowed to be landed till the due is paid?—You cannot pass an entry at the Customs until such time that you produce a receipt for the town dues.

419. By what authority is that done?—By Act of Parliament.

420. Can you tell us what Act that is?—I cannot; it is not many years old.

421. Is it an Act referring to those town dues?—It is referring to those town dues; an Act got by the corporation of Liverpool.

422. Cannot you give the number of it?—No, I cannot.

423. Mr. *Horsfall.*] You are satisfied there is such an Act?—Yes; it is about five years since they made us produce a receipt before we cleared out.

424. You say that is under the authority of an Act of Parliament?—Yes.

425. You cannot state the Act of Parliament?—No.

426. *Chairman.*] How was it done before that?—We could clear out without producing a receipt.

427. Are you aware that that extended to town dues as well as to dock dues?—I believe it did.

428. Have you ever seen this Act of Parliament; has it ever been produced to you?—It has never been produced to me.

429. Mr. *Moffatt.*] How do you know that there is such an Act?—I know by being obliged to take the receipt to the Customs.

430. Does the receipt bear a statement that the due is raised under the authority of an Act of Parliament?—You have to take the cargo book to the Customs, and the cargo book has to be signed by the officer of the Customs; that is signed for the receipt of all dues.

431. Mr. *Duncan.*] Have you seen this Act yourself?—No, I have not.

432. Mr. *Horsfall.*] You are only stating what you believe?—What I believe.

433. *Chairman.*] Do not you levy poor rate in Runcorn upon those dues?—Both poor rate and commissioners' rate on the dues at Runcorn; we get about 270 *l.* out of 2,500 *l.*

434. About 10 per cent.?—Yes.

435. How did you get hold of them to levy rates upon them?—I do not know how it was done; I know it is done.

436. Mr. *Horsfall.*] If it be the case that Runcorn gets 270 *l.* as poor rate, and those goods merely pass through Runcorn on other parties' account, Runcorn gains by the transaction?—We gain now; but we should gain considerably more by increased trade, if the dues were done away with.

437. *Chairman.*] Do you pay anything towards light dues?—We pay buoyage and light dues to the dock committee at Liverpool.

438. Do you get buoys or lights?—We do not get a single buoy or light except what we find ourselves.

439. How do you find them?—The Duke of Bridgewater's Trustees, the Weaver Navigation, and the shipowners of Runcorn find them themselves.

440. Is that under an Act of Parliament?—No.

441. How is it done?—We collect a voluntary rate of 3 *s.* upon each vessel towards it, and pay it over to the trustees, and they do it.

442. Are you formed into an association?—The Bridgewater Trustees take the entire management.

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443. Is it optional with every merchant whether he pays or not?—Yes.

444. He would not be visited with any penalty upon a refusal to pay, would he?—Many do refuse to pay.

445. And are still able to carry on their business?—Yes.

446. So that the thing is perfectly voluntary?—Yes.

447. What do you pay towards light and beaconage dues?—I think the dock committee receive about 900 *l.* from vessels coming to Runcorn.

448. Is that besides the 2,500 *l.*?—Yes.

449. For which you get no consideration except passing Liverpool?—We pass the lights there.

450. Are you represented in any respect on the dock committee?—None at all.

451. Is there any clause in the Act of Parliament to prevent your being represented?—I do not know.

452. Do you know the constitution of that committee?—No.

453. Where do the dock trustees cease to put up buoys and establish lights?—I do not think they have any past the town of Liverpool, not near Runcorn.

454. Not the whole distance?—From Liverpool to Runcorn they have not any buoys or lights.

455. You have said, I think, that you consider this is an unjust tax?—Yes.

456. That is because you get nothing back for it?—Yes.

457. Does it do you much mischief?—We consider it is driving our trade away.

458. Mr. *Horsfall.*] Are you speaking of buoyage or lights or of town dues?—Of the town dues.

459. *Chairman.*] Do you consider the charge for buoyage and lights unjust?—We do get something for buoyage and lights into the river, but not from Liverpool to Runcorn.

460. Mr. *Horsfall.*] You are aware that flats going up from Liverpool to Runcorn are not charged lightage and buoyage?—Not by the dock committee; it is only sea-going vessels.

461. Then vessels coming to Runcorn have all the benefits of lights and buoys precisely the same as vessels coming to Liverpool, have they not?—As far as Liverpool, not further.

462. They have the benefit of the same buoys and lights in entering the port as vessels coming to Liverpool?—Yes, but we pay the same; we have no benefit from Liverpool to Runcorn; that is the most difficult part of the navigation.

463. *Chairman.*] Runcorn is within the port of Liverpool?—It is.

464. A ship of what burthen can get up to Runcorn?—About 300 tons.

465. Is the navigation difficult?—Very. If the Bridgewater Trustees did not find steam vessels free of expense, we should not get vessels up.

466. It requires buoying and lighting?—Yes; the buoys have to be removed every fortnight; the river changes its bed every tide.

467. I suppose if you were not to tax yourselves in the manner you have mentioned, the channel would be inaccessible?—Yes; I do not suppose the Bridgewater Trustees would keep it up as they do now.

468. Have they any particular power to keep it up; if you were to cease to tax yourselves altogether, what would become of the trade of the town of Runcorn?—The Duke of Bridgewater's Trustees would keep it up to a certain extent, but we should have to pay pilots to bring vessels down.

469. You would still get vessels if you had no buoys or lights?—Yes; there is plenty of water up.

470. How does this injure the trade of Runcorn to such an extent; the sum, you state is 2,500 *l.* for the town dues?—The pig-iron trade is much less now than it used to be, having been diverted to Fleetwood and Poulton, near Lancaster.

471. How long has that diversion taken place?—These last three or four years it has been more considerable.

472. Is that in the export pig-iron?—Import from Glasgow.

473. It now comes by way of Fleetwood and Poulton?—Yes.

474. Did it ever come by way of Runcorn?—It all used to come; the freight is the same.

475. So that the whole difference is the town dues?—Yes.

476. Where

476. Where does this pig iron go to principally?—By railway, to the manufacturing districts of Lancashire.

477. Which part do you mean principally?—Manchester, Bolton, Bury, and those places.

478. Fleetwood is farther from Manchester than Manchester is from Runcorn, is it not?—Yes.

479. Still it goes that way?—A great portion goes that way.

480. You attribute that to the 3 *d.* a ton town due?—That has been the principal thing.

481. Is there any other respect in which the town due has affected your trade?—At one time we had a very large corn trade.

482. What is the duty on corn?—On wheat, 16 *d.* for every 100 bushels; on oats, 8 *d.*

483. How long has that trade left you?—It has diminished year by year for the last eight or nine years.

484. May not that be in some degree attributed to having no railway to the town?—We consider ourselves as well off by water carriage.

485. I suppose your trade is principally in bulky matters, more suitable to go by water than rail?—Most of it.

486. How was it you only lost the corn trade eight or nine years back, because these dues have been collected much longer than that?—Other places have sprung up, and they get their goods without paying dues.

487. Where does the corn trade go to?—Principally Preston.

488. Where does it come from?—Vessels go up to Preston from the Irish ports.

489. Can you tell at all what trade you used to have in corn at Runcorn?—I have seen 20 or 30 vessels in the dock at one time; now I never see one.

490. Do you attribute that to the operation of the town dues?—That is the principal thing; the freight to Preston is very often more than to Runcorn from Irish ports, generally speaking.

491. The trade of Runcorn is rather on the decline, is it not?—I do not think it is on the decline generally, because other things have risen up in their places.

492. Is there any other place on the Mersey in competition with Runcorn?—None to do it any harm.

493. You cannot attribute it to the places on the other side of the Mersey?—They have not done us any harm in our trade.

494. Mr. *Horsfall.*] Can you tell the Committee whether the Trustees of the Duke of Bridgewater have not been recently constructing new works especially for carrying on the corn trade?—No.

495. What are those works for?—They had an Act of Parliament to do them, but they never commenced.

496. When did they get the Act?—Some years ago; they have made the dock gates, but nothing else.

497. *Chairman.*] Is not slate one of your articles of trade?—Slate is a very heavy article.

498. Where does it come from?—From Wales.

499. Is that much of a trade in Runcorn now?—It is a very heavy trade.

500. What is the town due on slate?—Two-pence per ton.

501. Has that trade been at all affected?—The slate trade has not been much affected except by the railway.

502. Can you state what the import of slate has been?—I cannot.

503. How do you arrive at the calculation of 2,500 *l.* a year?—That is in the last account of the Corporation of Liverpool.

504. In their own account they state that is what is collected at Runcorn?—Yes, somewhere about 2,500 *l.*; they give the expense of collection themselves as well.

505. You say the town due is 8 *d.* per 100 bushels of oats, 16 *d.* on wheat, and 1 *s.* upon all other grain?—Yes.

506. Is there any inequality in the town dues that you complain of?—There is very great inequality; a bale of goods worth 100 *l.* going abroad, pays 2 *d.*, and a ton of salt worth 10 *s.*, pays coastwise 3 *d.*, foreign 6 *d.*

507. Is Runcorn at the end of the Weaver Navigation?—No; on the Bridgewater Canal.

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508. Does the salt pass through Runcorn?—It comes down the Trent and Mersey Canal and is shipped at Runcorn; we have nothing to do with the Weaver Navigation.

509. What is the value of a ton of salt?—About 10 *s.*

510. Is there any inequality in the tax on grain?—We consider grain is very highly taxed; it is 1 *s.* on all sorts of grain, except wheat and oats; oats are 8 *d.*, and wheat is 16 *d.*

511. Barley, for instance, is 1 *s.*?—Yes.

512. Lord *Hotham.*] On what quantity?—One hundred bushels.

513. *Chairman.*] Do you consider that you get any return for those town dues?—Nothing except the lights; we get no return for the town dues.

514. Is there any other matter you wish to state?—I do not know that there is.

515. Mr. *Horsfall.*] When you speak of the dues being oppressive on parties resident at Runcorn, can you tell me the amount of dues paid on Runcorn account?—I think three merchants in Runcorn pay about 600 *l.* amongst them; another firm will pay upwards of 300 *l.*

516. You said that a considerable portion of the iron trade had been diverted to Fleetwood and Poulton?—Yes.

517. Are you of opinion that those dues have been the means of diverting the iron trade?—In a great measure.

518. Are you not of opinion that the opening of the railroads has had a great deal to do with it?—I do not think it has; the Bridgewater Trustees reduced their rates accordingly.

519. *Chairman.*] What is the local taxation of Runcorn, or that the Improvement Commissioners levy?—One shilling and sixpence in the pound.

520. What income do they get by that?—About 1,500 *l.* or 1,600 *l.* a year.

521. Is that the whole?—Yes.

522. That is in place of what would be a borough fund?—There are three rates; lighting and watching, highway rate, and improvement rate, 6 *d.* in the pound each.

523. Your taxation is 1,600 *l.* a year; the taxation to those town dues is 2,500 *l.* a year?—Yes; the poor-rate is 1 *s.* 6 *d.* in the pound.

524. How much does it come to?—It will make about the same.

525. Sir *J. Duckworth.*] About 1,500 *l.*?—Yes, about that; they collect rather more by the poor-rate.

526. Mr. *M. Gibson.*] When a new article arrives at Runcorn, what is done to settle what due it is to pay?—The collector writes to Liverpool to ask what is to be charged.

527. Have there been any cases of late?—Nothing of late.

528. Pyrites?—That is put down to pay the same as sulphur ore, 3 *d.* a ton.

529. Mr. *Horsfall.*] Are you not aware that a large number of railways have been constructed from Fleetwood to Preston and a variety of other places?—Yes.

530. Are you of opinion that that has had nothing to do with diverting the trade of Runcorn?—I do not think it has; the Bridgewater Trustees reduced their rates of carriage to compete with them.

531. Mr. *Fenwick.*] Are the Committee to understand that the whole local taxation of Runcorn is about 3,000 *l.* a year?—Yes.

532. And that the sum in addition to that which goes to Liverpool, 18 miles distant, is 2,500 *l.* a year?—Yes.

533. Nearly equal to the whole amount of your taxation?—Yes.

534. Do you know how that 2,500 *l.* is spent at Liverpool?—We know nothing about it.

535. Mr. *Vance.*] You speak of those local dues being as heavy as the forwarding agents' commission on the packages; how much is the commission on a package of goods?—On some goods they pay 1 *d.*, and sometimes 3 *d.*; very seldom exceeding 3 *d.* a ton.

536. At what time did the pig-iron trade begin to be diverted from your port to Fleetwood?—About three or four years since.

537. And you do not attribute that diversion to the facilities of the railway from Fleetwood?—Not at all; Fleetwood is a worse port than Runcorn.

538. *Chairman.*] Are there any town dues at Fleetwood?—None that I know of.

539. Mr. *Horsfall.*] Are there any at Preston?—I do not know.

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540. Mr. *M. Gibson.*] Is there any freeman of Liverpool residing at Runcorn who is exempt from town dues?—None at all; we have not a freeman in the place.

541. With regard to this gentleman who you say pays 300*l.* town dues, is not that very far more than he pays in any kind of local taxation?—Considerably more.

542. Mr. *Horsfall.*] Will you state the name of the party who pays that sum?—I believe it is Messrs. John and Thomas Johnson.

543. You do not speak of that from your own knowledge?—I have heard it from their clerks.

544. Mr. *M. Gibson.*] If he happened to have the good fortune to be a freeman of Liverpool, it would be as good as 300*l.* a year in his pocket?—It would.

Arthur Sinclair, Esq., called in; and Examined.

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545. *Chairman.*] YOU are the Secretary to a Company, I believe?—I am.

546. What company?—The St. Helen's Canal and Railway Company.

547. What interest have that company in the subject of inquiry before this Committee?—The St. Helen's Canal and Railway Company are the owners of a railway which has two docks, one at Garston, about four miles from Liverpool on the north shore; the whole undertaking is in Lancashire; and another at Widnes, directly opposite to Runcorn. They are also the owners of the Sankey Canal, which terminates in the Mersey at Fidler's Ferry and at Widnes; it communicates with the Mersey at those two points.

548. Where is Fidler's Ferry?—About three miles east of Runcorn.

549. Higher up the navigation?—Yes; that was its first termination, and to get a better channel it was extended further down.

550. The railway strikes the Mersey at Garston and Widnes?—Yes.

551. Where does it come from?—Its inland termini are Warrington and St. Helen's.

552. What is the business carried on at St. Helen's?—A very large quantity of coal is raised there; and it is the site of very extensive glass and alkali manufactories.

553. Where does the canal to Fidler's Ferry go?—It winds up to St. Helen's; the canal and railway start together at St. Helen's; the canal winds round by Warrington, to which place the railway has a branch.

554. Is not St. Helen's about north-east of Liverpool?—It is very nearly on the Liverpool and Manchester line; only two miles north of it.

555. Have you any docks at Garston?—Yes; we have a dock of six acres.

556. Who made that dock?—The St. Helen's Company.

557. What kind of ships will it accommodate?—It has the same advantages of water that all the Liverpool docks have, with a wider opening than most of them; it has an opening with 50 feet gates.

558. A ship of what tonnage can get in?—A ship of 2,000 tons can go in with ease, and has gone.

559. What have you to complain of in the present state of things?—We complain, first, that the harbour dues are levied on the trade resorting to the docks, for the lighting and buoying of the Mersey.

560. Resorting to your docks?—Yes, and to our canal; that the whole of the money so levied goes to the Liverpool Dock Committee; and that that Committee expend it solely for the benefit of the trade resorting to their own docks at Liverpool.

561. Is any of the money expended for the benefit of places further inland than Liverpool, which might compete with its trade?—None whatever; we who are connected with places further up the Mersey than Liverpool have to go to considerable expense; after we have paid for the buoys and lights of Liverpool, then we have to pay for the buoys and lights for ourselves.

562. You do not complain that you are called upon to contribute to the buoys and lights in the Mersey?—We do not complain of that, but we do complain that the money is taken by Liverpool, and spent there for the benefit of the town of Liverpool, and that no portion is spent in purposes connected with us; not only is the expenditure of the money confined to Liverpool, but the Directors of the company I represent are expressly excluded from sitting on the Dock Committee.

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563. How is that?—By a clause in one of the Liverpool Dock Acts; it is in the Act of 4 Vict., c. 30, s. 110: "That no person who shall be a director or other officer of any dock, basin, wharf, quay, pier, or landing-place now erected and built, or which may hereafter be erected and built, at any place between the limits of the said port, seawards, and Warrington and Frodsham Bridges, and which shall be entitled to exemption from the said dock rates, or any part thereof, under the provisions hereinbefore contained, shall be qualified or eligible to be, or shall be elected, nominated, or appointed one of the members of the Committee for the affairs of the Estates of the Trustees of the Liverpool Docks; and in case any member of such committee shall, after his election, nomination, or appointment, become a director or other officer of any such dock, basin, wharf, quay, pier, or landing-place, he shall cease to be a member of such committee; and thereupon another election, nomination, or appointment of some other person duly qualified shall take place and be had in the stead of the said member of the said Committee so becoming a director or other officer of any such dock, basin, wharf, quay, pier, or landing-place, in the manner by the said recited Act of the sixth year of the reign of His Majesty King George the Fourth provided, in case of any other vacancy in such committee; provided always, that if any person, being a director or other officer of any such dock, basin, wharf, quay, pier or landing-place, shall attend any meeting of the Committee for the Affairs of the Estate of the Trustees of the Liverpool Docks, or otherwise act as a member of such committee, any person so offending shall, for each and every such offence as aforesaid, forfeit and pay the sum of Fifty pounds, to any person who shall sue for the same, to be recovered, together with full costs of suit, in any of Her Majesty's Courts at Westminster, or in Her Majesty's Court of Common Pleas at Lancaster, by any action of debt, or as the case may be; provided always, that no act or proceeding touching the execution of the said recited Acts, or of any of them, or of this Act, which shall be done or performed by any such person, previously to his being convicted of the offence before mentioned, shall be thereby impeached or rendered nugatory; but all such acts and proceedings shall be as valid and effectual as if such person had not been disqualified in the manner hereinbefore mentioned."

564. Mr. *Horsfall.*] Do you complain of it as a grievance, that a gentleman who is a director of a private dock company shall not be upon a public dock committee?—We do not complain so much of that as a grievance; our grievance is, that persons interested in Liverpool should spend the money levied from us. We do not complain of the Liverpool people keeping the management of the Liverpool Docks to themselves, but we do complain that the harbour dues should be spent, and the people who pay them not have any voice in the expenditure.

565. *Chairman.*] Is there not a clause in one of the Dock Acts, which limits the dock committee to inhabitants of Liverpool?—I believe it does; that they must be resident.

566. Do you consider that a hardship?—As we know that no person connected with us can be on the dock committee, we thought it of no use to go further to see if there was any other restriction.

567. You do not consider it any hardship that you are required to pay those dues, but you complain that you are not represented on the Board that disburses them?—We do complain of that; I should state, as to these harbour dues, moreover, that there is a provision that they shall be revised. We consider that is a very fair provision in the wording of it, "And to the intent that vessels entering the port, and not using the docks of the said trustees, may pay only such fair and reasonable rates as shall proportionably defray the costs and charges which the said trustees may expend for and in respect of the maintenance of buoys, landmarks and telegraphs, and other purposes hereinbefore mentioned." We consider that the preamble to the clause sets forth what should be done, that we should only pay when we get a service performed. Then the clause goes on to say, that the revision of these rates shall be left to three gentlemen; the Chairman of the Dock Committee is one; the Mayor of Liverpool, the Chairman of the Dock Trustees, is the second; and the third is the Chairman of the Cheshire Quarter Sessions, who is not a gentleman who would take any interest in these matters.

568. Your notion is that the Customs port of Liverpool ought to be looked upon as a whole, and all fairly provided for out of these dues?—Out of the harbour charges; I have nothing to say as to the special docks of the town of Liverpool, how they are to be regulated.

569. With

569. With regard to this rate, which is levied by the dock trustees, under the Act of Parliament, for lights and beacons, you maintain that that ought to be distributed fairly over the whole port of Liverpool?—Yes; by a Trust that should represent impartially every person who pays it.

570. Have you anything more to say as to the harbour charges?—No.

571. I will now pass on to the town dues; how are those dues levied?—They, in common with all the other dues levied on the trade resorting to our dock, are paid to an officer of the Liverpool Dock Trustees; but Government influence is brought to bear in a way which we think it ought not to be brought to bear. Government steps in because there is a clause requiring that the Custom-house officers shall not pass the entry of any vessel in the port of Liverpool without having first got the certificate of the dock trustees that they are contented; the Act is the 6th of Geo. 4, c. 187, s. 109. That is the Act in which the traders of Liverpool first nominated members on the Dock Committee: "That it shall and may be lawful for the collector, or other proper officers of His Majesty's Customs within the said port of Liverpool, and he or they are hereby authorised and required to refuse to receive any entry or cocquet, or other discharge or clearance, or take any report inwards for any ship or vessel whatever, subject and liable to the payment of the duties imposed by this Act, until the said duties shall be paid to the collector or collectors appointed to receive the same, and until a receipt under the hand of the said collector or collectors for the said duties shall be produced to the said collector or other proper officer of His Majesty's Customs." Again, in the Liverpool Dock Act of last Session, the 33d clause says, "And henceforth at Liverpool the owner, master, or consignee of every importing ship, or his agent, shall sign and leave at the Dock-office in Liverpool, within 14 days next after the final discharge of all goods or merchandise so imported by such ship, a full and accurate list thereof, stating the quantities, and distinguishing the net weights and contents of such goods, and the names of the consignees (according to the bills of lading), or the names of the persons actually paying the freight for the same; and on failure to leave such list, such owner, master, consignee, or agent shall forfeit the sum of 20 *l.*," whether they have been discharged in our dock or in a dock belonging to the town of Liverpool. Another clause, again, empowers the collector of the dock dues in Liverpool; that is in the Act I first referred to, 4 Vict., c. 30, s. 103, "That it shall be lawful for the collector of the said trustees to require the person claiming the exemption from dock rates and other duties to make a declaration in writing, stating the dock, basin, wharf, quay, pier, or landing-place to or at which his vessel or cargo, or any part thereof, may be consigned or intended to be unladen;" that is, if the vessel comes into the Garston Dock, unloads, and goes out to sea again, she can be called upon to make a declaration to the Dock Trustees that she has never gone near their docks.

572. Am I to understand you to say that you pay no dock dues?—We pay the harbour dues to the Dock Trustees.

573. Nor the lights?—Yes.

574. You do not pay dock dues?—Vessels using our docks may be called upon to pay the dock dues without going near Liverpool.

575. How is that?—Under the old Act of Anne, the original Dock Act, every vessel resorting to the Mersey was made liable to pay the dues, and when that was the law there was no need to divide the charge for a vessel entering inwards from that for loading outwards, and it was not unreasonable that the Custom-house officers should be required to refuse to receive entries of vessels until they had got a certificate of the due payment of the dock charges; but when other private docks were established on the Mersey, vessels entering them, and not using the Liverpool docks, were exempt from any but harbour charges, and provisions were made by Parliament "to the intent that vessels entering the port and not using the Liverpool docks may only pay such fair and reasonable rates as shall proportionably defray the costs and charges which the trustees may expend for and in respect of the maintenance of buoys, landmarks, and telegraphs." But if that clause had been carried out as to dock rates I do not think the people trading to our dock would have complained at all. There is still these matters left, which we consider oppressions upon our trade, and which we do not think right. Any vessel discharging or loading in the stream a part, however small, of her cargo, before entering or after entering any private dock, is still liable to pay the full Liverpool rates, though she never went near or used the Liverpool

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docks. Then the Liverpool Dock Trustees levy one and the same rate on all vessels entering their docks, whether they go in and unload and take in a cargo, or only unload and go into our dock to load. Again, if they do the discharging and loading both at Liverpool, or if they only do one, and have to pay us also for the use of our dock, the Liverpool Dock Trustees still make the same charge. We have long thought that a hardship, and we hoped we were to get redress upon that point, for Liverpool has itself, in a Bill introduced in this Session, called the Liverpool and Birkenhead Dock Bill, introduced a proviso, that when a vessel uses Liverpool for unloading and Birkenhead for loading, or *vice versâ*, the same rate only shall be charged as if she had used Liverpool for both purposes, and that such rate shall be apportioned between the two docks. That is what we contend is just to us, and what we want on that head. Then again, under their Act of Parliament, the Liverpool Dock Trustees have established graving docks, and the rates are fixed in the Act of Parliament for the use of those graving docks. I believe in every case they charge the full rate which Parliament allows for those graving docks. A vessel may go in there for no other purpose, as a vessel did last year; she unloaded her cargo with us. She was charged the full price to the graving dock; she came back to us to get her outward cargo, and I think, in addition to the graving dock charge, she paid 37 *l.* 10 *s.* for simply going through the entrance to the graving dock.

576. What was the name of the vessel?—The "Peter Marcy." She brought a cargo of timber from Quebec, and took a cargo of coals out. Lastly, the Liverpool corporation are said to claim dock dues on all goods that are discharged from a sea-going vessel at Garston, and lightered down to their dock. There is an express provision in one of the Acts which I have referred to before, the 6 Geo. 4, c. 187, s. 105, which says distinctly, "That nothing herein contained shall extend to charge any rates or duties hereby imposed upon any goods or merchandise brought from any part or place situate within the limits of the River Mersey, or from any inland canal or navigable river communicating with the said river or town of Liverpool, or upon any lighters or other vessels conveying the same;" that is, if the goods go down in a lighter, they are not to pay, because before the docks at Liverpool existed, there was accommodation enough to discharge lighters. But they say they have a right to ask for a certificate of the origin of the goods, and to levy that rate. The legal question has not been tried, but it seems to me to be so directly in the teeth of that clause, that we think it would not stand; but still they claim it.

577. How is the Mersey lighted above Liverpool; you say this fund is not expended in that way?—We are a very short distance above Liverpool, and we have put in buoys at our own expense. We have spent several hundreds of pounds in buoying the river, and several of the buoys are within the borough of Liverpool, more than half of them. At Garston, and above it, the Duke of Bridgewater's Trustees have two or three lighthouses, and they have spent a large sum in addition in buoying the river. Our traders pay them a considerable sum to assist in reimbursing them for those charges.

578. Do you mean the ships that come to the port?—The owners of the vessels.

579. That is a voluntary tax?—It is entirely voluntary. They think if they did not meet the Duke's Trustees, they might give it up, and then a vessel might be run ashore.

580. Is that done further up the Mersey?—As far up as Runcorn; not further.

581. With regard to the Liverpool town dues, are you aware of the title which the Liverpool Corporation put forward to these dues?—In the last action that was tried about the Liverpool town dues, the Corporation of Liverpool, I understand, claimed them under a grant from King Charles the First to the Corporation of London of "All that our town and lordship of Litherpooll, parcel of the honor of Lancaster, in the aforesaid county of Lancaster, with every of their rights, members and appurtenances; and all that boat and passage over the water of Mersey there, and the butchers' shambles in the said town of Litherpooll; and also all stallage and tolls of the market and fairs, with the perquisites of courts in Litherpooll aforesaid; and all customs, anchorage and key-towle of the water of Mersey aforesaid, and within the aforesaid town or lordship of Litherpooll aforesaid." That is the grant of King Charles the First in 1628; and, in 1777, the Corporation purchased from Mary Johnson, Susannah Johnson, and the Earl of

of Sefton, who had previously purchased from the Corporation of London. This deed conveys into the hands of the Corporation "All customs, anchorage and key-toll, of, in, or upon the river or waters of Mersey, and within the said town or borough of Liverpool aforesaid," otherwise town or lordship of Liverpool. But in practice they had levied them over this area (*producing a map*). The lordship I understand to mean the small red part; this map is copied from a map of the Corporation; the small red part is the town or lordship of Liverpool, and the blue is the district over which they do levy the dues, which not only extends over the whole of the estuary of the Mersey, but something like 20 miles to the northward of it; the docks themselves of Liverpool now extend as far as the line coloured orange; the district through which they levy the town dues stretches from Warrington, a distance of 40 miles, the greater part being in the Irish Sea, and not in the Mersey at all.

582. Can you inform the Committee how you show that the part marked red is the township and lordship of Liverpool?—This is a book printed by order of the Common Council of Liverpool, in which there is a map, and there the red and blue lines are exact copies of this.

583. What is that book?—It is the Evidence given before the Municipal Corporation Commissioners in 1833; the book is stated to be printed by the order of the Common Council of Liverpool.

584. And that is their statement of the original town and lordship of Liverpool?—That is their statement of the original town and lordship of Liverpool; what I have read from another book is their statement of the original grant.

585. Are you aware whether the boundaries can be identified at the present day?—Yes, there is not the slightest difficulty.

586. I see the red line cuts a little into the water; is that down to low water mark?—It does not appear to be meant to do so in the original; but I have another map upon a very large scale (*producing the same*). This a plan of the boundaries of the borough of Liverpool.

587. Can you state the dimensions of the town and lordship of Liverpool which are marked red?—I suppose it is something under two miles long by a mile and a half broad; it is not above three square miles.

588. Are those boundaries coincident with the boundaries of the present municipal borough?—No; the boundaries of the present municipal borough are shown by the orange line.

589. They are much larger?—Yes, a great many of the present docks of Liverpool are outside the town and lordship.

590. Is all the town and lordship comprehended in the municipal borough?—It is; there is a place called Toxteth Park and the townships of Everton and Kirkdale to the north; they have extended their docks in each case beyond the red line into the orange line; I am not aware that they have gone beyond the orange line.

591. You are beyond the orange line?—We are; there is a dock at Runcorn, and the Ellesmere and Chester Canal at Ellesmere Port.

592. Can you state historically when the Corporation of Liverpool first levied dues over the whole port of Liverpool?—The boundaries appear to have been settled by the customs officers between Chester on the one side and Preston on the other, the whole of the Kingdom being divided into certain ports of Customs, every part of the coast of England was obliged to be in one Customs port or another.

593. Your point is, that they took the Customs port instead of the town and lordship which was granted to the city of London by Charles the 1st?—Yes.

594. When was the Customs port of Liverpool laid out?—Sometime between 1628 and 1680.

595. Under what authority was it done?—I think there was an Act passed to appoint commissioners for setting out the metes and bounds of the port.

596. You say that the Liverpool Corporation had no right to levy duties upon the Customs port?—We say that we cannot find a right beyond the title that they have set forth; the question has never been tried in a court of law.

597. It is only the right to levy dues in a much smaller space that has been tried?—Yes. In the answer of the Corporation of Liverpool to the inquiries of the Shipping Dues Commissioners, it is stated that goods were landed at Runcorn expressly to try the question whether goods landed there were liable.

598. What trial are you speaking of?—The trial of the Corporation against Bolton,

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Bolton, a gentleman still alive; he was the representative of some 40 gentlemen, many of them still leading persons in the Corporation of Liverpool, and they passed this resolution, "That an opinion had long prevailed that the town dues collected at this port are an illegal exaction, and that the amount of them constitutes a severe tax upon trade, pressing most heavily on salt and some other articles; and that, from the numerous exemptions from the payment of the said dues, they operate unequally and unfairly. That it is the opinion of this meeting that no time should be lost in bringing the question of the legality of the dues to an issue." They refused to pay, and the corporation brought actions against 54 persons, but they were forced to consolidate them, and only one action was tried, and even trying that one action cost the defendants 4,000 *l.* What it cost the Corporation of Liverpool I am not aware that anybody knows, but I can show that it cost them more than 12,000 *l.*

599. Lord *Hotham.*] Are you referring to the trial before Lord Denman?—Yes; the defendants say here that they paid for their law expenses 3,600 *l.*, and 199 *l.* for some charges connected with the report, that brings it nearly to 4,000 *l.* that the defendants paid. Then the town clerk of Liverpool in his speech before the Corporation Commissioners, when the case was by no means ended, said, "I do not ask the amount of the subscriptions raised to resist these town dues, but I wish to inform the burgesses and the public that the sum of 12,000 *l.* is not the whole of the cost to which the Corporation have been put by these proceedings. I state at once that this sum, so far from being the total amount of expenditure which the Corporation have incurred does not amount to anything like the costs sustained in defending these dues." It is said that goods were landed at Runcorn to raise the question as to whether the dues were payable there, but those actions were defended by gentlemen who were merchants in the town of Liverpool, complaining that the freemen of Liverpool were exempt. Mr. Bolton, the defendant in the action, says, "It is, as I understand it, first to try the right, and next whether there should be any exemptions, as in the case of Sir John Tobin, Mr. Horsfall, and others; again, if there be town dues, whether they are to be regulated by any principle of bulk, weight, or value; and, I repeat, that if all persons in town had paid alike, I, for one, should not have disturbed the question." Mr. Lowe, his solicitor, says, "And I, for one, would never have been concerned in an action for that purpose, when such great benefits are derived to the town from the appropriation of those dues." As to the question of the upper part of the river having been settled on that day, Lord Denman's observations were these: "Mr. Mouldsdale is called; he is the principal officer at Runcorn, part of the port of Liverpool; his appointment so calls it; I do not know that that is evidence, but I think on this evidence, there being no contradiction, we must take it Runcorn is part of the port of Liverpool; that is a separate issue, which it will be very easy——" He is interrupted by Serjeant Wilde, the counsel for the defendant: "It is whether Runcorn be within the town and lordship; no doubt it is part of the port?" The Lord Chief Justice: "Clearly not in the township; nothing on shore is except that." Mr. Serjeant Wilde: "The grant is of the town and lordship, with the waters of Mersey, within the town." The Lord Chief Justice: "It seems to me that is a separate issue; so important a one it is hardly fair to try in the shape of 1*l.* 5*s.* in this case; it is quite a distinct question." Mr. Serjeant Wilde: "The goods were landed there for the purpose of raising the question, to try it at the same time." The learned Judge then proceeded to say, "I think it would be better to consider goods taken to Runcorn as being within the port; however, that is a separate question, and we shall hear of every part of this question again." Certainly the defendants, if they were to pay the town dues at Liverpool, never wished that their neighbours at Runcorn should be exempted from the payment.

600. Your point is, that Runcorn was not represented on that trial?—The cost that the corporation was able to put the defendants to was so frightful, so much money was spent, that people were afraid to raise the question again. The corporation say that they are under no obligation to expend the dues, and the expenditure to which they devote the dues, is of no service to the upper part of the river. In addition to this, they tax the trade that does not use Liverpool, very much heavier than the trade which does. It is not easy to say exactly what are the imports and exports of Liverpool, but I think it is safe to assume 100,000,000 *l.* as under the value of the imports and exports of Liverpool. I think the declared value of the exports to foreign ports alone in 1850, was 35,000,000 *l.*

35,000,000 *l.* At that time the principal imports came up to 37,000,000 *l.*, that makes 72,000,000 *l.* It is estimated by Mr. M'Culloch, that the imports from Ireland were 8,000,000 *l.*, which makes 80,000,000 *l.*, besides all the exports coastwise, and sundry exports not included; so that there would be altogether a value of about 100,000,000 *l.* Upon that 100,000,000 *l.*, they levy about 100,000 *l.*, which is somewhere near one-tenth of one per cent., while on the Duke of Bridgwater's trade, and the trade which frequents our docks and canal, it averages between one and two per cent.

601. What are the principal articles that your company carries?—Very much our largest weight is coals; our coal is worth 8 *s.* 4 *d.* a ton when put on board ship, and the charge is 2 *d.*, which is two per cent. We import very large quantities of iron pyrites, which at the time of the corporation inquiry in 1833, appear to have been totally free from charge. I have half a dozen lists of town dues before that date, and I cannot find pyrites anywhere. Parties have learnt to turn the mines in Ireland to profitable use, and the Corporation of Liverpool have, since that date, invented a new tax of 3 *d.* upon pyrites. When it reaches us, it is worth 22 *s.*, so that that makes about 1 ¼ per cent. We import large quantities of limestone, which is worth 4 *s.* 6 *d.* a ton. They charge 1 *d.*, which is about two per cent. We have very large quantities of iron ore, on which they charge 3 *d.* a ton, or more than 2 per cent. Owing to the competition of the different routes, that is a very heavy item, and that 3 *d.* mainly comes out of the pockets of the railway companies.

602. You alluded, in a previous part of your evidence, to the Act of Parliament, by which the officers of Customs are required to have a receipt for dock dues before they can allow the goods to pass entry?—Yes.

603. Is there anything of the same sort with regard to town dues?—I believe there has been no recognition of the right of the Corporation of Liverpool, in any Act of Parliament whatever, with respect to town dues; but I believe the practice to be this. The law says that the Custom-house shall not pass an entry until dock dues are paid, and if you go to pay the dock dues, the dock due man says I will not pass you till the town dues are paid.

604. It is not done by any assistance of the Custom-house officer?—Not directly. I never passed an entry, and I cannot say positively. I can produce evidence of it. I know that, practically, persons cannot get out without paying their town dues; they cannot get away and leave the corporation to bring their action.

605. You have no personal knowledge on the matter, have you?—I have not.

606. Sir *Stafford Northcote.*] Do you happen to know the mode of collection in other ports where there are dues?—I do not.

607. Mr. *Horsfall.*] You are not aware that the clause which is in the Liverpool Dock Act of which you complain, is the clause which is put in almost every Dock Act in the kingdom, with hardly any exception?—I am not aware that it is so. Even if it be so, I complain of it that it requires a declaration from vessels that have not gone into their docks.

608. Speaking of the clause of which you complain being in the Dock Act, without reference to any ulterior view, you state that you are not aware of the fact that it is only the usual clause which is inserted in almost every Dock Act in the kingdom?—Does the question refer to the clause that vessels going into other docks shall report to the first dock before they go out?

609. With reference to an entry being required before they can go out?—I believe it is a common thing that a vessel in a dock shall not leave the dock till she has paid, but I am not aware of a case in which a vessel not being in a dock cannot pass without an entry at another dock.

610. *Chairman.*] Is it a common thing that a dock officer should refuse a certificate that he has been paid what he is entitled to receive, because he has not been paid that of which he is not authorised to take notice?—I believe not.

611. Are not those dues levied on goods merely because they pass by Liverpool?—Yes; it is a passing toll, nothing else; we get nothing whatever for it.

612. Do you complain of the application of the dock dues, that you pay for services which you do not receive; have you any complaint of that nature?—We say, as to the town dues, we pay for services which we do not receive. The place

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actually entered into and used the docks at Liverpool. Your petitioners therefore humbly pray that your Honourable House will be pleased to take measures to relieve them from the grievances here set forth." It was then considered, and as I shall subsequently show to what extent, that these dues press heavily upon the industry of the manufacturing districts. In the following year, 1837, a Bill was brought before the House for the better conservancy of the Mersey, the provisions of which were viewed with great alarm by the Chamber of Commerce at Manchester; and a memorial, of which the following is a copy, was presented to the House, dated the 29th March 1837, Conservancy of the Mersey: "That a Bill has been lately brought into and is now before your Honourable House, intituled, A Bill for the better preserving and improving of the Port of Liverpool, and for providing for the safe navigation of the River Mersey. That this Board views with alarm and distrust the powers sought by this Bill for the Corporation of Liverpool in the appointment of 12 out of 20 Commissioners in whom it is proposed to vest the Conservancy of the River Mersey. That in the opinion of the Board the Conservancy of that river is of much importance to this town and district; that the execution of such a trust ought to be confided to a body more equitably chosen than is proposed by this Bill; and that this town in particular ought to be fully represented in any Board which may be constituted for so important an object. That the vast population of this commercial and manufacturing community not only use that river in importing raw materials and exporting goods, but are chiefly dependent for subsistence upon food supplied from Ireland and Scotland, which is conveyed almost exclusively over the tidal waters of the Mersey, and of which the greatest portion is consigned direct to the Port of Runcorn. That your petitioners consider that if this Bill pass into a law, the Port of Liverpool will be extended to a degree infinitely beyond any just claim; and they apprehend that the Bill will legalise the exaction of dock and town dues upon all coasting vessels passing Liverpool and sailing along the Mersey, as if they had actually entered into and used the docks at Liverpool. Your petitioners therefore humbly pray that the Bill herein described may not, in its present shape, pass into a law."

641. Are you aware whether the provision trade to which that petition refers still continues to go through the town of Runcorn?—I cannot speak to that. I wish to call the attention of the Committee to the fact, that at this early period, when the importation of cotton (the article most affecting the manufacturing districts, and to which my evidence will be most particularly directed) was only at that time one-half of what it is at this moment; the powers of the Corporation of Liverpool, in reference to the conservancy of the Mersey, and the disposition which was evinced to extend those powers, and to legalise the exaction of town dues, were viewed with serious apprehension on similar grounds to those which have been urged in support of the Bill now before the House. It was apprehended that by this Bill the Corporation of Liverpool might indirectly be confirmed in their possession of the town dues.

642. Are you aware of any Bill that does confirm the Corporation of Liverpool in the possession of the town dues?—I am not aware of any. In the year 1849 a Bill was introduced into Parliament for the purpose of making the docks at Liverpool liable to poor's rates for the parish of Liverpool. The effect of this measure would have been that the commerce of Lancashire and adjacent counties would have been charged with a large proportion of the poor rates levied in the parish of Liverpool, in the shape of increased dock dues. Although this circumstance has no direct reference to the question of the continuance or abolition of the town dues levied at that port, it exemplifies most strongly, in my judgment, the activity on the part of the authorities of Liverpool to exact from the commerce of the port as much as they are able, in aid of the rates for the maintenance and internal government of the town. This Bill was, I believe, rejected by the Legislature. I annex a copy of the petition which the Chamber of Commerce presented against the Bill: "That your memorialists object, on every ground, to this singular attempt to infringe upon the common law of the land; they hold that the dock trust at Liverpool, as at every other port, is a trust intended for the benefit of the whole country; that Liverpool has no separate interest therein, and ought not to derive any other advantage from it, than such as naturally arises from contiguity to these national basins for shipping." The Committee will understand that the Chamber of Commerce of Manchester, in speaking of the docks, recognise these as national basins for shipping,

ping, not particularly local, but national; "and that this principle is recognised in the fact, that the Legislature has hitherto enforced this condition in the creation of dock trusts there; that whenever the charges made for the use of the docks shall produce a sum greater than may be required for the due and proper maintenance of them, the rates of charge shall be proportionably reduced. That your memorialists would consider it most unjust to permit docks at sea ports to be charged with any taxation beyond that which may be necessary for the perfect maintenance of them, inasmuch as the amount so levied would fall upon the merchants and consumers of the interior, in addition to their own local rates." This was considered the more grievous, inasmuch as the town dues are a payment for which we receive no sort of consideration. The prayer is, that their Lordships might take every proper means to prevent the Bill from passing one more stage in its progress. Then in March 1851, the American Chamber of Commerce at Liverpool introduced a Bill into Parliament to change the constitution of the dock trust there. As that constitution then stood the Dock Committee consisted of 21 members, of whom 13 were selected by the Corporation of Liverpool, and the remaining eight were elected by the dock ratepayers of 10 *l.* and upwards, the town council nominating the chairman of the committee absolutely, and without reference to the committee itself: besides which, the town council had the power of vetoing any act of the Dock Committee. The question of rating the dock for parochial purposes had been much agitated in Liverpool during a few of the last years; and, as before mentioned, in 1849 the parish authorities brought a Bill before Parliament, for powers to carry out that object; and although the Corporation did not appear openly in this attempt, yet it was then understood that it had agreed to pay one-half of the expense out of the funds belonging to itself. On this occasion the Committee of the docks passed a resolution to oppose the proposed Bill, but the Corporation exercised its power of veto; but the Bill was so effectually opposed on its merits, that the promoters of it were compelled to abandon it without the Dock Committee being permitted to manifest the hostility which it entertained towards it.

643. The Dock Committee wished to resist the Bill which proposed to impose poor rates on the docks?—Yes; and the Corporation vetoed that attempt. This was for the purpose of rating the docks for parochial purposes, and that question is still a favourite object in Liverpool; it is made a test of fitness in the election for the municipal council, and the number of persons so sent into the council has so increased, that such persons only are selected for dock commissioners as are, I believe, understood to be favourable to rating.

644. Lord *Hotham.*] Of what period are you now speaking?—1849.

645. That was part of the evidence before the Committee of 1851, was not it?—I am now reading the proceeding of the Chamber of Commerce, at Manchester, consecutively carried out.

646. What you are stating was given in evidence before the Committee in 1851?—Yes. To meet this danger the American Chamber of Commerce brought a measure into Parliament to diminish the powers of the town council, and to give a preponderating influence in the election of Dock Commissioners to the payers of dock rates. The Corporation not only opposed that Bill, but applied to have a clause inserted in it, empowering the Dock Committee to levy rates for parochial purposes. The promoters of the Bill, desirous of support in opposing the rate levying clause, applied to the Town Clerk of Manchester, and at his request the Secretary of the Manchester Chamber of Commerce, and Mr. Owen, one of the Directors, proceeded to London to represent the sentiments of this Chamber to the Committee on the Bill. The clause for rating the Docks was thrown out by the Standing Orders Committee, but the Manchester Chamber of Commerce declined to give the measure of the American Chamber of Commerce their full support, inasmuch as that measure only contemplated the transference of the power to elect a majority of the Dock Commissioners out of the dock ratepayers, still leaving a considerable influence to the Corporation; whereas the Chamber, in its memorial to the Board of Trade on this subject, in February 1849, advocated a larger principle, namely, that the dock trusts at Liverpool were or ought to be national trusts, and should be managed for national purposes only, free from any control whatever by the municipal authorities of the town. The attention of the Chamber of Commerce at Manchester appears to have been again specially directed to this subject in February,

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1854, when a Bill, intituled "Liverpool Improvement Bill," whereby it was proposed to raise money upon security of the Corporation property, which of course would include the town dues for the improvement of the town, was brought before the Chamber. The following petition was adopted by the Chamber in reference to this Bill: "That your petitioners have just heard that a Bill, intituled Liverpool Improvement Bill, has been introduced into your Honourable House, and after being hurried with unusual haste and secrecy through a second reading, is now before a Select Committee. That your petitioners are surprised to learn that the said Bill contains a provision by which the Corporation of Liverpool seeks for power to mortgage that portion of its income usually denominated town dues, as security for money to be borrowed for its own use. That the said town duties of Liverpool are chiefly levied upon imports and exports *in transitu*, the town itself contributing to them in a very small degree; that they form a grievous tax upon the commerce of the country, which has long been a source of grave complaint, not only in respect to the extravagance which it produces (that for the year ending 31st August 1853 having been 113,578 *l.*), but from the most unjust manner in which it is levied, the freemen of the borough being exempt from any liability to the charge. That your petitioners think that the area over which the corporation of Liverpool exercises the levying of these town duties is extended beyond that which they consider compatible with the interests of the interior, or the rights and dignity of the Crown, inasmuch as a local body overrides an estuary of the sea, and enforces payment of money over many miles of the inland course of the Mersey on merchandise which merely passes by, and in no way makes use of the town. That the uses to which the said town duties are applied are not distinctly marked or clearly apportioned; but all, in a great measure expended for purposes in which the payers of the tax have not the slightest interest, and frequently in most improper attempts to encroach still more upon the interests of those from whom those duties are wrung. That your petitioners willingly admit that the buoyage, lighting, and maintenance of the waterway of the Mersey should be perfectly performed and that the cost thereof should be borne by the commerce of the country; but they are distinctly of opinion, that beyond the charges thus specified, the town of Liverpool ought not to be permitted to tax the interior. That your petitioners have long thought that the subject deserved strict scrutiny." The prayer is, "that the cost of any improvements which the Corporation of Liverpool may contemplate, may, as in other cities and towns, be borne by the town itself, and that the House would reject any clause in the Bill referred to, or in any other Bill which shall either directly or indirectly serve to perpetuate the present system of levying town duties at Liverpool, or permit the Corporation of that town to mortgage for its own purposes its real or assumed right of taxing other communities than its own." The Bill was thrown out. In February 1856, and on the introduction of a Bill by Her Majesty's Government for the abolition of passing tolls, and for the regulation of the local dues on shipping, the Chamber of Commerce adopted the following petition to the House of Commons: "February 1856.—Petition in favour of Government Bill.—To the Honourable the Commons, &c., of Great Britain.—That your petitioners have observed with the deepest satisfaction that Her Majesty's Government has introduced into your Honourable House a Bill, intituled 'A Bill for the Abolition of Passing Tolls, and the Regulation of Local Dues on Shipping,' by which it is proposed to carry into effect suggestions deliberately recommended by the Commissioners appointed by Her Majesty at the request of your Honourable House, to make special inquiry into that subject, and whose report has by Her Majesty's command been presented in detail to your Honourable House. That not only are your petitioners, but the whole of the manufacturing districts of Lancashire, Yorkshire, Cheshire, Staffordshire, Warwickshire, &c., deeply interested in the question, and especially in the trade and commerce of the Mersey; and all are injuriously and unjustly affected by any rates or charges levied upon ships, or goods carried in ships, which are not necessary for and actually expended in the maintenance of the port and harbour, or of the navigation connected therewith. That your petitioners have for many years felt sorely aggrieved by the kind and amount of taxation levied at Liverpool upon themselves, and the trade and consumption of all who either export their industry, or draw their supplies over the waters of the Mersey, under the denomination of town dues. That your Honourable House will learn with surprise, that while in this

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ment; and they humbly but earnestly pray that the Bill for the abolition of passing tolls, and the regulation of local dues on shipping, introduced by Her Majesty's Government, may receive the early assent of your Honourable House. And as in duty bound they will ever pray."

647. *Chairman.*] That, I believe, is the history of the proceeding of the Chamber of Commerce up to this time?—Yes, that is the last measure before the Chamber which has been submitted to the House of Commons.

648. From 1836 to this time they have been constantly stirring in the question?—Yes, I believe the principal part of the time that I have had to do with that body, the Chamber has never had its attention away from the proceedings of the Liverpool Corporation.

649. Can you give any estimate yourself of the effect of those taxes upon the industry of Manchester?—Having thus given the Committee the course of proceeding which the Chamber has pursued from 1836 to the present time, I will endeavour to advance further evidence as to the effect of those dues upon the trade and commerce of the country; and first of all with regard to raw cotton, which is the great import of Liverpool, and the most important article in our cotton manufactures. The consumption of raw cotton in Great Britain, during the last year, was 40,403 bales per week; multiplied by 52 weeks, that gives 2,100,956 bales for the year, which, at 2*d.* per bale, shows an annual charge for cotton alone amounting to 17,507*l.* for town dues. It may be said that some portion of the cotton spun in Great Britain may have been imported into Scotland, and therefore may not have paid town dues at Liverpool; but it must be remembered that out of the whole quantity imported, only 1,906 bales per week have been spun in Scotland; and it is very probable that nearly the whole of that cotton has been purchased by Scotch spinners at Liverpool, and has therefore paid double town dues by reason of re-shipment from Liverpool to Scotland.

650. It would pay on the export from Liverpool to Glasgow?—Yes; first of all it is paid on arriving at Liverpool from America, and afterwards it is charged by virtue of the export to Scotland, so that in all probability 17,507 *l.* is under the mark rather than over. Cotton, when manufactured, is to a great extent exported; cotton is more an export trade than a home trade; we manufacture a great deal more than the requirements of the country demand, and therefore it is exported. Liverpool is the most convenient place for export to the United States, India, Australia, and many other places; and hence the same cotton upon which town dues have already been paid in its raw state is again charged with town dues in its manufactured state upon being exported; in that case paying town dues twice. This aggravation of these charges may be further exemplified in the case of merchants who purchase yarn spun in Lancashire for shipment to Ireland and Scotland for manufacture. It is well known that the manufacture of Scotland and Ireland is very extensive, far beyond what the people of those countries are accustomed to spin; therefore they get supplies of cotton yarn from the merchants of Manchester, and upon those shipments of yarn to Ireland and Scotland the town dues are again payable to Liverpool. The same yarn, when woven into cloth in Scotland and Ireland, is frequently sent back to Manchester, for sale to the merchants there, when the town dues are paid for the third time; and on the merchant who purchases those goods for re-shipment from Manchester making his export of the same goods, a fresh town due is levied upon the same article. Thus a bale of cotton, which is subject to a tax upon import, is frequently taxed twice, and not unfrequently three or four times over. The pressure of the town dues upon individual manufacturers cannot easily be estimated, because the manufacturers, from the nature of their business, spin, some of them, a large number of bales, and others a small number of bales, weekly. It depends very much upon the fineness of the yarn into which it is spun, and the extent of their manufactures. The manufacturer who consumes 100 bales per week pays in town dues, upon the raw material, 43 *l.* 6 *s.* per annum; if he spins 200 bales a week, the town dues would be 86 *l.* 12 *s.* per annum; if he spins 300 bales a week, his town dues will be 129 *l.* 18 *s.* per annum; and if the same manufacturer were to export his own goods by way of Liverpool, these charges would be repeated in an aggravated form, because the bales of manufactured goods are smaller than the bales of raw material. A bale of raw material, which pays 2 *d.*, may be subdivided into a number of bales of goods,

upon

upon which charges are made, probably, a good deal exceeding those amounts. Those dues, as the Committee are aware, are dues payable in addition to the dock dues. A bale of cotton pays 2 *d.* for town dues; but the same bale pays also 6 *d.* more for dock dues.

651. Can you give any estimate at all of what individual manufacturers pay? —It would not be difficult to find, I dare say, that manufacturers had paid some thousand pounds; a good many thousands individually in the course of a lifetime; but manufacturers from year to year vary in their businesses, and one cannot very easily conclude from 20 years, or any other given number of years, what a man may have done in each year; but it is not at all unlikely that many manufacturers have paid their thousands of Liverpool town dues, if the sums could be collected. Not alone is the charge upon cotton excessive, but upon every other article entering into consumption which is received into the country by way of Liverpool the like payment of town dues has been made; indeed there is no article of necessity, whether of food or clothing, that does not pay this tax, nor is there anything of utility in common life, from the houses over our heads down to the shoes under our feet, which has escaped this exaction if it has passed through Liverpool. In 1776 the number of articles upon which the town dues were chargeable was 103; they were inscribed upon a brass plate; now they are said to exceed 600, and many articles which are not named are charged; in fact, it has been proved that in one day 44 articles have been charged which are not at all named. Every expenditure of fixed capital in the pursuits of manufacture is made to acknowledge taxation for the benefit of the Mayor and Corporation of Liverpool; this occurs by reason of the raw material being supplied, and the manufactured articles being returned by way of Liverpool. A manufacturer cannot put down a steam-engine with a view to conduct his works, but upon the first outlay, which is the first step in his business, he must consider himself for the time being under a description of thraldom and a dependent for taxation upon the mayor of Liverpool.

652. How is that?—You have heard of freemen being allowed to be excused from the payment of these dues. If you could imagine that a steam-engine could, by purchase, or any other means, become free of Liverpool, the purchase of that freedom, upon the erection of the engine, would be worth from 1,000 *l.* to 2,000 *l.*, seeing that the purchase of that freedom would exempt the proprietor of that steam-engine from the liability of town dues upon imports and exports in connexion with his trade.

653. Which the steam-engine produces?—Yes. He cannot carry on his trade without a steam-engine; therefore I say for the steam-engine, in the light of a freeman, the purchase of that freedom would be worth from 1,000 *l.* to 2,000 *l.* As before stated, the freemen of Liverpool, London, Bristol, Lancaster, Waterford, and Wexford, trading through Liverpool, are exempt from those dues. I put the engine in the same category, and let the engine be added to the number of freemen. This may be one mode of illustrating the manner in which the pressure of the tax is found to bear upon the conducting of the manufacture. The privileges of those freemen in connexion with Liverpool and the town dues of Liverpool place them in the enjoyment of a protection or bounty upon their trades. Of course we know that the idea of protection now is not very fashionable; but, so far as freemen are concerned, they are in Liverpool enjoying a protection. It is impossible to estimate the amount which they derive individually from that privilege. I am not aware that any account has been kept; the sums have been estimated both individually and in bulk; but it would be unsafe for me to give mere hearsay evidence. I do not know what may be the advantages, though they have been in some cases described as being somewhat large. Those freemen make use of a Royal grant, or a purchase from Lord Molyneux, whichever it may be called, by which themselves not only escape taxation, but they are thereby permitted to inflict an arbitrary kind of taxation upon their fellow-subjects. If we purchase cotton from a Liverpool merchant who has not paid town dues, he does not bring it to the market at a more reasonable rate; he does not sell the cotton for so much money, less town dues, but receives the money for the cotton and the town dues, thereby enriching himself by taxing his fellow-subjects. I have endeavoured to get information upon this subject, and the only evidence upon which I have been enabled to place full reliance (I believe I may place reliance upon it) is a letter which I have received from a Liverpool merchant, dated the 20th March 1854.

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654. I understand you to mean this, that a freeman who deals in articles, into the price of which the town due enters, really levies a tax to that amount for his own benefit?—He receives the value of the article plus the town dues which, though other men pay, he is himself exempt from paying.

655. He is put in the place of the corporation for that particular purpose?—Yes. The letter I am about to read will illustrate the matter in fewer words than I could do.

656. Who is this from?—I will give you the letter, but I should not like to mention his name. If the Committee will receive the letter without the name, I will inform the Chairman who the writer is.

657. Mr. *Duncan.*] Do you know the gentleman yourself?—I do. I have known the gentleman for 20 years, I dare say. I have no hesitation in saying he is perfectly trustworthy in every respect.

658. *Chairman.*] Will you continue your statement with regard to the Liverpool freemen, and their privileges?—"If one partner in a concern, consisting say of three partners, be a freeman, and the firm import cotton, the town dues upon which amount to 30*l.*, the bill of entry would certify that one-third of the property belonged to John Thompson, a freeman of the borough of Liverpool, and his signature to the same would exempt him from the payment of a third of that amount, say 10*l.*; of course this exemption only applies to what he can certify to be his own property; it would not exempt any property for which he was an agent, unless he certified to that which was not true. To such merchants as the Horsfalls, the Shands, Gladstones, and Sandbaches, the freedom of the borough is a valuable inheritance. It is somewhat strange that many of the oldest and most respectable of the inhabitants of Liverpool should not, in this particular, yield their quota to the general benefit of the town; happily, or unhappily, whichever view we take of the question, the trade has outgrown the limits of the privileged few, and the town dues now yield the magnificent sum of over one hundred thousand pounds. I do think it would be a wise step for the Corporation of Liverpool voluntarily to place a limit beyond which the tax shall not be levied."

659. Lord *Hotham.*] You say, "I think;" are you speaking of yourself?—I put myself in a position to answer for the letter. I undertake to say I will prove that the contents of this letter are true.

660. You give it on your own responsibility?—Yes. I will satisfy the Committee that every word of this shall be made good if the Committee question it, or call upon me to have it substantiated. The sum thus gained by freemen, and not paid over to the corporate funds, is considerable, and has been estimated at 25,000*l.* a year. I think you have received evidence to that effect. The money raised by town dues is said to amount to 125,000*l.* a year, and is expended for municipal purposes, or invested in the purchase of property in the borough. No accurate estimate has ever been formed of the value of the accumulations of the corporate property of Liverpool. An old and experienced resident has computed it at several millions sterling. Mr. Robertson Gladstone, an active and influential member of the council, repeatedly applied for a corporation order to have a statement made out of their property. He was unsuccessful in his application two or three times, but at last he did succeed. It was insisted that it would take a large and expensive staff of clerks a period of something like three years to make out a schedule of the property purchased by the Corporation of Liverpool.

661. *Chairman.*] They made a large purchase, last year, did they not, at Birkenhead?—I believe they did.

662. Do you know what the amount of the purchase money was?—I believe it was over a million; I do not know the exact sum. The town dues are not only a burthen upon commerce and industry, but an occasion of heartburning and restiveness throughout the manufacturing districts of Lancashire and Yorkshire, and in other parts of the country. You may find evidence of this in the petitions and other proceedings of the Manchester Chamber of Commerce, which I have given in this morning. We have never, for any length of time together, been without having our attention turned to something passing in Liverpool, which we believed to be calculated to undermine the prosperity of the interior. In conclusion, I should suggest, as arising out of the consideration of these subjects, that besides relief from town dues, we should claim from Parliament, most strongly, first, a new dock trust, to be formed upon an independent principle. We should claim

claim the docks as national, not local property, and that the managers of them should be elected from the districts which they are intended to serve, without an undue control from the inhabitants of the place near which they may be situated, or interference by the municipal body. Secondly, for a contraction of the limits of the port; and, thirdly, for a proper and independent conservancy of the river. Those are suggestions which, of course, are submitted for what they are worth.

663. Mr. *Horsfall.*] Who prepared the statement which you have just given in?—I prepared it myself, except the petitions; those are copies from the books of the Chamber of Commerce.

664. *Chairman.*] Have you at all considered the question with regard to the principle upon which the dock trust should be elected, because the whole country from one end to the other is interested in those dock dues, I take it?—We consider that the parties who are interested in the use of the docks ought to be consulted in the management of them, and that if we pay dock dues and furnish shipping to the docks, we ought to have some control with regard to the expenditure. After the parties who lend the money are satisfied with the profits or the interest which they have to receive, then that due economy should be used in the conducting of them, and if there be any surplus left, that surplus should be used in reduction of the rates.

665. Mr. *Horsfall.*] You spoke of "profit" just now; I presume you used the word inadvertently; you are aware there is no profit made?—When I speak of profit, I do not know whether the rate is confined to the rate of interest, or whether there is profit or reserved fund connected with it; when I speak of profit, I mean interest which the lender of the money has a claim to expect.

666. *Chairman.*] Have you formed any opinion whether the expenditure for those docks has been all for the benefit of commerce or not?—The impression that I have (and when I speak of my own impression, I speak of that which is the impression of a great many others in our part of the world) is, that the docks have been created, so to call it, at a most extravagant expense; the purchases have been made in a manner very questionable as regards economy, and that the docks stand at a sum of money far beyond what they ought to stand at for commercial purposes.

667. When you say "purchases," what kind of purchases do you allude to?—Buying strand from the Corporation.

668. Purchases of strand by the Dock Trustees from the corporation?—Yes, the Corporation in that case from its constitution is in a position to make both sides of the bargain, and has made both sides of the bargain, I dare say.

669. Mr. *Horsfall.*] Are you not aware that in all cases where any land is purchased by the dock estate from the corporation it must be by the verdict of a jury?—I am not aware of it.

670. Are you aware of any particular case in which a purchase has been made in which it was not made by the verdict of a jury?—I do not know anything of the transactions between them, how they have been conducted. I understand very large sums of money have been put down for the purchase of land, which was first of all land recovered from the sea at the expense of the dock trust, and afterwards charged to the trust by the corporation. I only know it from hearsay. I do not know it from having looked at the books. I have no concern with them.

671. *Chairman.*] Supposing you had a dispute with a railway company, for instance, that wanted to take some of your land in the vicinity of the railway, and that the company had absolute control over all the proceedings in the action, should you say that the jury were likely to come to a fair conclusion with regard to your land, if the company instructed your counsel and attorney, and controlled your proceedings?—I should not have much confidence in such a purchase. If you want to form some estimate of the character of the expenditure in the Liverpool docks, you have only to turn to the expense of those docks at Birkenhead. I believe that the docks at Liverpool have cost about 10,000,000 *l.* sterling from first to last, and that the dock accommodation at Birkenhead has been done for about a quarter of the money; and if the docks at Birkenhead are equal (I do not know whether they are or not), if there be any approach to equal accommodation, one must be very dear or the other very cheap.

672. At what rate have the docks at Birkehhead been formed?—About two-and-a-half millions.

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673. For the same amount of accommodation?—I do not know; it has not been brought into action; the accommodation provided can be only guessed at, to some extent; judging from the bulk of the area of water enclosed for the purposes of accommodation at Birkenhead, I should say the Birkenhead docks were cheap if the others are not dear.

674. Is not the western shore of the Mersey more favourable than the eastern for the construction of docks?—I am not enough of an engineer to be entitled to express an opinion upon that subject. There is evidently a large amount of accommodation there which is not in use.

675. You are aware that in Liverpool they had once a pool something in the same nature as Wallasey Pool, in the centre of the town, where the Custom-house now stands, and they filled it up?—I suppose it was so at one time.

676. Lord *Hotham.*] Has not the price of land been a great deal higher at Liverpool than at Birkenhead?—I do not know what land may be worth, but the expense of recovering land from the tideway may in all probability involve a large outlay, and in so far the value of it may be greatly increased by reason of the difficulty of obtaining it. I do not suppose it could be had as cheap at Liverpool as Birkenhead as land; but that is not the whole expense. If you have to get land, to face it with masonry, and lay out large expense in machinery, that is what rather constitutes the docks, not the land itself.

677. Is not it the case that at Birkenhead the docks are a new creation, whereas the docks at Liverpool have been constructed from time to time; that the purchase of land for docks in Liverpool has been at a very heavy expenditure, whereas the purchase at Birkenhead was comparatively light?—If the dock trust was made as we are talking of making it, and the members were supplied from Manchester and other places, then I could have given you an accurate idea whether they had been extravagant or not. At present my impression is, that there has been great extravagance, but being excluded from any participation in their acts, I only give my conjecture, namely, that there has been great extravagance, and that the dock dues are burdensome, by reason of the extravagant and large expenditure incurred in providing docks.

678. Still you cannot give an opinion upon the first question I put to you, namely, whether from the circumstance of the Birkenhead Docks being a new creation, they may not have been made at a much cheaper rate than the docks at Liverpool, which had been constructed from time to time upon land which had already arrived at a very great money value?—On those premises I admit it.

679. Mr. *Horsfall.*] Are you aware how many years the Birkenhead Docks have been constructed?—Not exactly. I remember the time when they were first projected and carried out; it is no large number of years.

680. When you spoke of the relative accommodation at Birkenhead and Liverpool, did you take into consideration the quay space as well as the dock space?—I look at the quantity of water enclosed.

681. You must be aware that the quay space is quite as necessary as dock space; that dock space without an adequate proportion of quay space is comparatively of little value?—I judge of it chiefly as regards the area in which vessels could float for the purpose of being loaded and unloaded; if I take the area in which vessels may lie for that purpose, I think the accommodation at Birkenhead is very considerable for the money, if Liverpool is not overcharged.

682. You must be aware that you can get a great number of vessels into an open dock space, but if you have not quay space, that dock space is of no value as to landing and loading goods?—A great deal depends, in landing and loading, whether you have machinery. If you do it by hand-labour it is one thing, if you have improved machinery, and do it by machinery, it is a different thing; the same dock will accommodate a greater number of ships if you do it by machinery, compared with hand-labour.

683. Are you aware of the extent of quay space at Birkenhead?—No, I am not.

684. Are you aware that at Liverpool there are 15 miles of quay space?—No.

685. I apprehend you are not acquainted with the relative amount of accommodation afforded at Birkenhead and at Liverpool?—You will find nothing in my evidence that leads to all this cross-examination.

686. You

686. You were giving an opinion?—I gave my opinion; if it is worth nothing, take it as such.

687. You do not speak of the relative accommodation of the two places from your own knowledge?—My evidence is that of one who has heard observations made, and who has gratified his curiosity by going through the subject. If my evidence is worth anything, retain it; if not, blot it out.

688. Mr. *M. Gibson.*] The residents at Manchester carrying on business there pay considerable rates for municipal purposes, do not they?—£. 80,000 a year.

689. There is no borough rate at Liverpool, is there?—No such rate has ever been heard of, that I am aware.

690. The town dues that are levied on the merchants of Manchester take the place of the borough rate in Liverpool?—They do.

691. There is an impression, I presume, amongst the merchants in Manchester, that, in addition to their own rates paid for the municipal expenses, they have to pay rates for the Liverpool manufacturers and merchants?—That is the common belief; we do not know any other way to account for it. They can pave streets, make sewers, light the streets, provide police, and do all manner of things that corporations are accustomed to do, without a rate; but we can do no such thing.

692. Supposing a collector of rates called upon a resident of Manchester, and he were to say, "I want your rates for the improvement of Manchester, and I want your rates for the improvement of Liverpool," would it not be thought a very strange demand?—Yes.

693. Is not the demand now made practically the same under another name?—It is the same demand, but the Mayor of Liverpool does not come for it.

694. By calling it by the name of town dues, it does not alter its substantial character, does it?—We call it "black mail." It is another name for taxation.

685. Mr. *Horsfall.*] Are you aware of the amount of local rates levied in Manchester by the town council?—I know the borough rates are about 80,000 *l.*, the municipal corporation rates.

696. Are you aware of the amount of corporation rates levied in Liverpool by the council?—I believe a cipher represents them, as far as I understand.

697. Are not you aware that the total amount of rates levied in Liverpool is greater than those levied at Manchester?—I am not aware.

698. Have you given any consideration to the subject?—No; I should like to know it. I have my doubts.

699. Would it change your views if that fact were established?—I should like first to know it. Treat us fairly, and we will pay the dues cheerfully. We have no heart-burnings against Liverpool; but we like them to be satisfied with what belongs to them.

700. Mr. *Fenwick.*] Suppose the dues that are collected upon the merchandise in the Mersey were dedicated to the improvement of the harbour and the Mersey, would that get rid of the objections that you have to pay the tax?—It would. Expend every shilling that is taken from us for the purpose of shipping, and we will pay it cheerfully. The effect would be, that if that money were spent in that way, we should have a reduction of dock dues; it does not matter how we pay for it. We are perfectly willing to pay abundantly for every necessary charge upon commerce; but we do not want to pay twice over more than we ought to pay.

701. *Chairman.*] Would the mere transference of those dues to the dock trust, without an alteration in its constitution, satisfy you?—No, we will not trust them as a body.

702. Mr. *M. Gibson.*] I think you stated you had understood that the Corporation of Liverpool alleged that they purchased the right to tax your trade from the Molyneux family?—That is what they say. I do not know that I have any authority more than common hearsay. I believe the thing has not been brought fairly into Court for trial.

703. Is it understood if they had not made that purchase that the Molyneux family would be entitled now to levy 150,000 *l.* upon the trade of England without giving any consideration for it?—I think we should not stand it; I do not know whether they would have a claim to it.

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704. Would it have been the private estate of the Molyneux family?—We have learned politics, and we do not understand that anybody but Her Majesty has any claim to tax us for anything more than is expended for our benefit. We pay county rates; the magistrates have a power of taxation, and a large power it is. We pay county rates cheerfully, because we know they are expended for our benefit; we pay poor rates in like manner; they are expended for the benefit of the poor, whom we are bound to keep. Every rate of that kind, where we see a debtor and creditor account, and in which we have any voice, we are willing to pay; but we are unwilling to pay anything that is not used for our benefit.

705. You stated that 103 articles were mentioned upon the brass plate, with the dues annexed to them, and that there were altogether 497 new articles; what has been stated, so far as you know, to be the authority for raising any tax upon those new articles?—The authority of their own will.

706. Has it been alleged that they could have purchased that from the Molyneux family, because the Molyneux family could never have had it?—As I understand, it is convenient at one time to say they have it from the Molyneux family, and at another time to say that they have it by some prescriptive right from some profligate monarch.

707. There could not be any prescriptive right to levy duty upon an article that did not exist in former times, could there?—No; you asked me if we would allow the Molyneux family to levy a toll if they claimed the right. We should have played the same kind of game with them that we should have played with the clergy, if the clergy came to tax potatoes and milk; we should have kept them down to their original right; the tithe is levied, as you are aware, upon corn; if the owners of the tithe were to come and ask us to give them turnips or potatoes, or any other articles besides corn, they would at once forfeit their prescriptive right, and we should refuse to pay. In the same manner, if the Molyneux family had claimed upon new articles, we should have confined them to their original grant.

708. In fact, you would have kept them within the same bounds that the King, Lords, and Commons are kept within; that is, duties are only levied upon the exact articles named in the Acts, and not upon any new articles that the Custom-house officers might choose to suggest?—They would have got their claim, and nothing more.

709. Lord *Hotham*.] With regard to the brass plate, you stated there used to be 103 articles upon it; have you any knowledge whether those 103 articles did or did not at that time represent all the articles which were exported from or imported into the port of Liverpool?—I do not know that there is any account kept of it.

710. Can you inform the Committee whether the great increase in the number of articles now charged for, may not be owing to the recent alterations in trade and commerce, and improvements, and various things which have led to articles being imported and exported in so many more shapes than used to be the case?—It comes to that; we have increased the port of Liverpool; we have brought into Liverpool thousands of articles which were never heard of there before, and we have enriched the town by giving them traffic, merchandise, brokerages, commissions, and all manner of things, and the corporation has availed itself of the opportunity so afforded to increase the number from 103 to more than 600 articles.

711. In fact, they spread their net over a great number of articles that were not known before, or which would otherwise have escaped?—They had not used to be taxed, for they were not known.

712. You have spoken of the necessity of establishing a new set of Dock Trustees, or a Dock Committee, or whatever they are called; has it occurred to you how the constituency for the election of such Dock Trustees should be formed?—No, I leave that to you in Parliament.

713. You stated just now that all those who had any dealings with docks, and who benefited in any way, should have a voice in the election of the trustees?—Yes.

714. Would it not, therefore, be very difficult to form that constituency, and to define who had, and who had not, an interest in those docks?—There is not a town, there is not a hamlet, there is not a house, nor an individual in the whole locality

locality for many counties round about Liverpool that has not an interest as being chargeable with those duties; but in what manner those shall be organised so as to bring out the representatives is an affair for Government. You can contrive how Members of Parliament can be elected by constituencies, and I dare say you can contrive how those persons may be elected as trustees.

715. Parliamentary constituencies are confined to local boundaries, more or less, but persons having an interest in these docks are spread all over the kingdom; you seem to have turned your attention to that subject, and relied upon the necessity of having a new set of dock trustees; I wish to know whether you have considered the subject sufficiently to tell the Committee how that can be done?—I have not taken any pains to elaborate any schemes how it should be done; if you will bring in a Bill, I shall be glad to consider it.

716. *Chairman.*] I suppose the interest in these docks is as wide as wearing a shirt; has not every one who wears a shirt an interest in these docks?—You do not pass a beggar in the street that is not a tax-payer to the Mayor of Liverpool.

717. Mr. *Vance.*] You say 2*d.* a bale is the town due upon cotton?—Yes.

718. What is the average value of cotton?—Anywhere from 5*l.* to 30*l.*, but the generality will be about 10*l.*, for which 2*d.* is paid upon entering.

719. Has the Chamber of Commerce of Manchester been carrying on a large correspondence with the neighbouring towns about these town dues?—Not large. The organization in Manchester has taken the form of an association for the right appropriation of the town dues, and they, not the Chamber of Commerce, have been in communication with parties residing in other towns.

720. Have not they been agitating the question in the neighbouring towns?—We have been ventilating the question as well as we could.

721. Those neighbouring towns did not, I suppose, consider it to be a very great grievance till they were informed of it by this association?—They have not told us what they thought about it, but they came forward very rapidly to give their co-operation, and find their money.

722. Has this association been in correspondence with the manufacturing towns in Yorkshire?—It has.

723. Have they responded very strongly?—Yes; you will find some of them coming here.

734. But they had no very strong feeling upon the subject until they were corresponded with by this association?—They were by no means unaware of the existence of this grievance; but there is a time for everything; and now, when the right time appears to have come, the feeling bursts forth. We have never appealed to any part of the country that has not been prepared to respond, and bring out a large amount of grievances and burdens upon trade derived from the practices of Liverpool.

725. Did not the agitation originate in Manchester?—I am not old enough to tell you where it came from. Ever since I came into public life it has been the common talk of Manchester; how long before, I do not know; I believe much longer than that.

Lunæ, 28° *die Aprilis*, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Lord Hotham.
Mr. Watson.	Mr. Duncan.
Mr. Headlam.	Sir John Duckworth.
Mr. Vance.	Mr. Horsfall.
Mr. Hardy.	Mr. Milner Gibson.
Mr. Fenwick.	Sir Stafford Northcote.
Mr. Bouverie.	Mr. Beamish.
Mr. Moffatt.	

THE RIGHT HON. ROBERT LOWE, IN THE CHAIR.

Mr. *John Johnson*, called in; and Examined.

Mr. *J. Johnson.*

28 April 1856.

726. *Chairman.*] YOU are a Merchant?—I am a Merchant residing at Runcorn.

727. Of what firm are you a member?—John and Thomas Johnson, of Runcorn.

728. What is the business you carry on?—As merchants generally, exporting and importing.

729. As commission merchants?—Not as commission merchants; we carry on business on our own account.

730. Have you anything to represent with regard to any hardship which you consider presses on the trade of Runcorn?—I have, especially in relation to the town dues.

731. What town dues?—The Liverpool town dues, which press very hardly on the commerce of Runcorn particularly.

732. On whose behalf do you appear?—I appear on behalf of the town of Runcorn, the merchants of Runcorn, and the interests of Runcorn generally.

733. They requested you to appear?—They requested me to appear on their behalf.

734. How is it that your town suffers by those town dues?—Runcorn is a port on the river Mersey; to that port a good deal of produce from Ireland and the coast of Wales, and other parts of England, is imported, especially those articles used in the Staffordshire Potteries, as well as slates, clay, flints, iron ore, and many other articles of merchandise. There is likewise exported from Runcorn a considerable amount of coals, consigned to almost every port in Ireland, North Wales, and some parts of the North of England.

735. Where do those coals come from?—Those coals are raised in South Lancashire. I am a coal proprietor, and manufacturer of salt; I raise on my own estate about 150,000 tons of coal annually, and I produce about 20,000 tons of salt.

736. Where is your manufactory of salt?—My manufactory of salt is at Winsford in Cheshire, on the line of the river Weaver.

737. What is the line of the navigation?—One terminus is at Weston Point, on the left hand of the river Mersey, and the other terminus at Widness Dock.

738. How high can you go up the Weaver in flats; can you go beyond Winsford?—It is navigable to Winsford; that is a considerable distance up the river; it is made navigable to that extent in distance. I wish to draw the attention of the Committee to the manorial rights and ferry rights of Runcorn. As I understand, the parties empowered to receive dues at Liverpool are the mayor, aldermen and burgesses of the town of Liverpool, and the trustees of the Liverpool Docks and the trustees of the Birkenhead Docks at Birkenhead, the Commissioners of Ramsgate Harbour, the Warden and Assistants of Dover and the Russia

Russia Company. The limits of the Customs port of Liverpool extend from the Redstones at Hoylake to the Hundred End Waters, being the limit of the Customs port of Preston, including the estuary of the Mersey and the rivers Irwell and Weaver. The Corporation of Liverpool acquired their title to the dues and anchorage by purchase from the Molyneux family about the middle of the 17th century.

739. The Committee are aware of those facts; have you any observation to offer upon them?—I mention that in reference to what the Committee are not aware of. The manor and ferry rights of Runcorn were granted in the fourth year of Charles the First, by charter dated the 9th September 1628, to certain trustees of the city of London.

740. At the same time as the Liverpool grant?—I believe it was the same time.

741. The king granted 1,000 manors to the city of London?—Yes; and one became afterwards the exclusive property of the Marquis of Cholmondeley; and the Marquis of Cholmondeley claims ferry rights at Runcorn. I believe the income derivable from that source, which was once let at 20 *l.* a year, within my recollection, now brings him in more than 1,000 *l.* a year, and that is received from the general public passing Runcorn.

742. Is there a boat maintained?—There are boats maintained.

743. What sort of boats; steamers?—No, small boats; perhaps I may say it is the dearest ferry in England, and the worst regulated.

744. Mr. *Horsfall.*] You do not mean to say that the Corporation of Liverpool have anything to do with that?—They have nothing to do with that. The docks and foreshore at Runcorn belong entirely to the trustees of the late Duke of Bridgewater and the Earl of Ellesmere, except the ferry-right, and they make their own charge on all commerce transacted within those docks upon that foreshore. Besides the exaction of the Liverpool town dues, the different commodities of merchandise imported and exported to and from Runcorn are subject to a charge made by those proprietors to this effect: goods of all kinds, minerals, for dock dues, wharfage, at Runcorn, pay 1 *s.* 8 *d.* per ton. If sent out of that dock to any other dock, for instance, to Widness Dock or Weston Point, the harbour dues and charges would amount to about 2 *s.* a ton. All those are in addition to the dues required by the Corporation of Liverpool. It is especially of this heavy rate of taxation that we do most strongly complain.

745. Those are charges by private proprietors?—Yes, those are charges by private proprietors.

746. *Chairman.*] You have nothing to pay for the docks at Liverpool unless you use them, have you?—No, we pay passing tolls, which amount, as far as commerce is concerned, to the sum of 900 *l.* a year; such as lights and buoyage; I think that would comprise all.

747. Mr. *Horsfall.*] You speak of them as passing tolls; have you not the benefit of buoyage and lightage at the entrance of the port for that payment?—I do not quite acknowledge that fact.

748. *Chairman.*] Those dues are expended in lighting and buoying the port of Liverpool, are not they?—They are; they are exacted from us for lighting and buoying the port of Liverpool.

749. Has any part of the port of Liverpool, above Liverpool, any money expended upon lights?—Yes; although we pay to the extent of 900 *l.* a year, there are maintained on the river, for a distance of perhaps 18 miles, lights which are erected at Garston Docks.

750. That is above Liverpool?—Yes; at Ince and Hale Head, and I think at Weston Point, there are erected lights; those lights are maintained by the owners of vessels. The Duke of Bridgewater's trustees first promoted the erection of those lights, and for marking out the channel of the river by fixed buoys; they contribute to them, and all owners of vessels likewise contribute. There is a charge made on the vessels in the river of about 3 *s.* a vessel. I am the owner of about 25 vessels coastwise, those navigating the river, and I hire about the same number, the number, therefore, being 50 vessels on the river, upon which I pay annually a charge, that charge being made by the trustees of the Duke of Bridgewater, and I suppose they make the same charge upon all other vessels navigating the river.

751. Is that a voluntary charge?—Yes; they represented the advantages of it; it is a voluntary charge for the entire maintenance of the lights and buoys.

Mr. *J. Johnson.*

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752. Are the Committee to understand you to say that of this 900 *l.* a year, which is levied from Runcorn, nothing is spent above Liverpool?—I do mean to say so. Liverpool contributes not one shilling a year, that I am aware of, towards that expense.

753. Your 900 *l.* a year is spent in buoys and lights on the seaside of Liverpool below Liverpool?—Yes, on the seawards of Liverpool.

754. What is done above Liverpool in the Mersey is done for the Duke of Bridgewater's trustees, is it not?—It is done solely at the expense of the proprietors of vessels; the amount I am not prepared to state, but it must be considerable.

755. Have you anything to state with regard to the local circumstances of Runcorn?—With regard to the circumstances of Runcorn in local taxes, we pay about 3 *s.* 3 *d.* in the pound; that is to say, in poor rate 1 *s.* 9 *d.*, in highway rate 6 *d.*, in lighting and watching 6 *d.*, and in improvement rate 6 *d.* The total amount of taxation in Runcorn is about 4,180 *l.*

756. From those different rates?—Yes.

757. Have you any corporation at Runcorn?—No, we have Commissioners under an Improvement Act. The Liverpool Corporation do not refuse to pay rates on their town dues; they are assessed at, I believe, 1,333 *l.*

758. Assessed for what?—For the rates I have just mentioned, for the local rates; that is to say, we believe their income amounts to so much; we assess the rates upon them, and they do not refuse to pay their rates, the poor rate, the highway rate, the lighting and watching rate, and the improvement rate.

759. Is that 1,300 odd pounds what they pay on?—What they pay on.

760. That is the assessment upon the town dues which they receive?—Yes; I mention that for this reason: they have been applied to on more occasions than one for money in aid of improvements in the town of Runcorn; I have myself made applications on more occasions than one, especially in one instance, for the enlargement or improvement of the Town Hall or other public buildings in Runcorn; we considered it was a very legitimate and fair demand on them. I happen to be myself connected with a church and some half-dozen schools in the town of Runcorn, and I asked for a contribution in aid of those schools; but they say they have no money set apart for that purpose, and hence it is that we consider our contributions to the improvement of Liverpool to be extremely hard. The charge for town dues by the Corporation of Liverpool on merchandise is for minerals imported, such as Irish pyrites, of which there is a very considerable quantity that pays what is considered to be a very large rate, 3 *d.* per ton; on Irish limestone 1 *d.* per ton; on the export of salt, if to foreign ports, 6 *d.* per ton, if coastwise 3 *d.* per ton; that is on manufactured salt. The value of sulphur ore which is shipped at the port of Wicklow may be about 20 *s.* a ton as the first cost of the shipping price, and the freight to Runcorn is from 3 *s.* 6 *d.* to 4 *s.* a ton.

761. Do you mean by sulphur ore, pyrites?—Yes; the town dues payable to Liverpool are therefore 1 ¼ per cent. on the rate of freight, and above 7 per cent. on the value of the production. If you take it at the rate of 7 per cent. it is a very large amount; there is likewise an article which I am concerned in making, sulphate of soda, which is made from salt; that is shipped to different ports. I made a shipment but a few days ago to Plymouth; the vessel never touched at Liverpool; she loaded at Runcorn, she proceeded down the river, and she went to sea without even calling at Liverpool; there was a charge made of 3 *d.* a ton on 108 tons of this production, amounting to 27 *s.*

762. Mr. *Headlam.*] What is the value a ton?—About 4 *l.* a ton; a complaint was made by the consignees at Plymouth, requiring to know why such a charge was made; they thought it a grievance.

763. *Chairman.*] What answer did they get?—They got no answer, for they could get no satisfaction.

764. Sir *J. Duckworth.*] Whom did they apply to?—I referred them to the corporation of Liverpool as the parties exacting the 3 *d.* per ton.

765. *Chairman.*] Where do you get your coal from; does that pay town dues?—Yes, if exported.

766. Not the coal you use in the manufacture of salt?—No; coals brought to Runcorn, taken to the Cheshire salt-works, are received from the south of Lancashire;

cashire; they come out of Widness Dock and they enter the river Weaver; the distance from the two termini may be, perhaps, not more than a mile.

767. Widness is on the Lancashire side of the river, and the Weaver is on the Cheshire side, is it not?—Yes; they cross the river.

768. Do they pay town dues for that?—No town dues whatever, nor any dues, I believe; coals pay 2 *d.* a ton on all coals exported. I was going to observe, that the minimum price of salt at the Cheshire salt-works for the last year, was from 3 *s.* 6 *d.* to 4 *s.* a ton; the town dues would amount to 10 per cent. on the first value of the salt exported.

769. Mr. *Headlam.*] You do not export it in the shape of first value?—Yes; when I say first value, there is the addition of the river Weaver tonnage; the freight on the river Weaver.

770. What is the shape in which you export it?—It is shipped as a manufactured article at Winsford and Northwich.

771. It is upon the manufactured article that town due is paid, is it not?—Yes.

772. Then what is the per-centage upon the value of the manufactured article?—It would be 10 per cent. upon the first cost; I mean to say, exclusive of the river tonnage and charges.

773. Is that upon the value of the article after it is manufactured?—Yes, upon the value of the article; if I am ambiguous in that, it is not of rock salt I am now speaking, of which there is very much raised in this district, but of white salt made from brine, in the making of which coals are used, so that when I say first cost, it is irrespective of any charges for freight or tonnage; the value of that is about from 3 *s.* 6 *d.* to 4 *s.* per ton. But the average possibly, if you took the highest and the lowest, would be 5 *s.* a ton at Northwich and Winsford; that salt sent to Liverpool or to Runcorn for shipment, at 6 *d.* a ton, would be 10 per cent. on the salt sent to foreign parts, and that sent to the ports of England and Ireland, would be five per cent. on its value.

774. Sir *J. Duckworth.*] Is any salt imported?—No.

775. *Chairman.*] Is this salt exported to America?—To the Baltic and to various parts; chiefly to America. I ship to America possibly nearly 20,000 tons a year; but I feel that I labour under very great hardship, since other shippers to the same destination are free from the Liverpool town dues. Now 6 *d.* a ton town dues, which is saved by freemen, is a very large profit. I venture to say it is a profit very much exceeding the profit derived by the manufacturer.

776. Of course upon 20,000 tons it would be 500 *l.*?—Yes; there are some that ship I should say 60,000 tons, and they save 1,500 *l.* a year. Now that is a privilege acquired by the evasion or non-payment of the Liverpool town dues, and I know that amongst the salt manufacturers of Winsford and Northwich those privileges act most unequally, and are much complained of.

777. Have you any severe competition to undergo in America?—I am not aware that we have any; the competition arises from the parties who ship without being subject to the payment of dues being enabled to afford their salt at a less price.

778. Does Syracuse salt come into competition with yours?—I do not think it does. There is this advantage, that salt exported at Liverpool is generally taken out as ballast in large ships; in ships freighting cotton it is taken out at a very low cost.

779. Is there any other article you wish to refer to?—There is no other article of which I have specially to complain. I believe I have referred to iron ore, and to the various commodities used in the Staffordshire Potteries, as well as pyrites received at Runcorn. It is on those articles particularly, as well as on salt and coals, that we feel the town dues to be a great grievance and burthen upon us. It is particularly so since we receive no equivalent in any way or shape whatever.

780. Supposing that you and the Bridgewater trustees were not to beacon and buoy the channel of the Mersey above Liverpool, would your port be still accessible; could you still carry on the navigation?—It could not be carried on; it would be attended with very considerable risk; there is a very strong tide flowing in the Mersey, and the banks fluctuate very much; that is to say, at one time there is a channel on the north side, and by the next springs, in the course of a fortnight, the channel may be found to be on the other side.

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781. What sized ships can come up to Runcorn?—I have seen very large ships there, but the ordinary vessels trading there do not exceed 200 tons burden.

782. Can larger ships come up?—There was a ship launched in Runcorn last year of more than 1,000 tons burden.

783. Could the Mersey be navigated by ships of 1,000 tons burden up to Runcorn?—Not a laden vessel.

784. What is it that stops it; where is the obstruction?—The obstruction is the uncertainty of the deep, and the light depth of water.

785. Are you aware whether by the expenditure of money the channel could be deepened?—There can be no doubt of it.

786. Are you aware of what has been done at Gloucester?—I am aware of what has been done at Gloucester; the channel has been straightened.

787. Could something of that kind be done for Runcorn if the money was forthcoming?—If the money was forthcoming, Runcorn could be made navigable for very large vessels, but we are again subject to regulations of either the port of Liverpool or the conservators of the river Mersey.

788. Are you aware of the nature of the conservancy of the Mersey at present?—I am not sufficiently acquainted with it to enter into particulars.

789. Runcorn is part of the port of Liverpool, is it not?—I do not think it is.

790. Mr. *Bouverie.*] What Customs port is it in?—I think it is not in Liverpool, for this reason; some few years ago (I cannot refer accurately to the date) an application was made to the Lords of the Treasury, and Runcorn was then declared to be a free port, and there was a Custom-house established, and there was a collector of Customs appointed under the Treasury; but it was found that a very large business after all was not done in the importation of foreign articles of commerce, and I suppose it did not, to use a common phrase, pay its way, and that order was rescinded. Had it been essentially under the Custom-house of Liverpool the Lords of the Treasury would not have established it as a free port.

791. Where are your Customs entries made?—They are made in Liverpool now; then they were made in Runcorn.

792. *Chairman.*] Can you state how the town dues are collected at the Custom-house?—There is a collector appointed by the Corporation of Liverpool, and he has an office in Runcorn, and by him those dues and rates are collected. Before a vessel can clear out, I believe that demand is made on behalf of the Corporation of Liverpool.

793. By whom?—I am not quite conversant with the minutiæ; I would not commit myself by saying whether it is by the corporation or through the Custom-house; I believe it is through the Custom-house of Liverpool.

794. To whom are the dues paid?—To the Corporation of Liverpool.

795. To what officer?—Mr. Jones.

796. What is he?—He is the officer appointed under the Corporation of Liverpool in Runcorn.

797. He does not receive any dock rates for the Corporation of Liverpool, because there are none to pay in Runcorn?—No; there is nothing to pay for Liverpool dock dues in Runcorn.

798. He is collector for the town dues?—Yes.

799. He gives a receipt, I suppose?—Yes.

800. What I want to know is, whether the officer of Her Majesty's Customs requires that receipt before he will give the clearance of an entry?—I would not say from my own knowledge; I have not been familiar with that; I believe it is so.

801. Do you know anyone who could inform the Committee of that?—I believe there are individuals in the room who could inform the Committee of that.

802. Is there any other point which you wish to bring to the notice of the Committee?—No.

803. Mr. *Bouverie.*] Can you state the amount of the town dues?—I understand the amount paid to be about 3,000 *l.* a year.

804. Mr. *Horsfall.*] Is that on Runcorn account?—Yes.

805. A previous witness has stated (I only wish you to correct yourself if you speak merely from memory) that the 3,000 *l.* was on account of goods passing through Runcorn, or the greater portion of it, and not on Runcorn account?—I will

I will explain, with your permission: the amount paid in town dues at Runcorn, for Runcorn goods, and goods passing through Runcorn to the Potteries, may be about 2,500 *l.* a year.

806. That is on the joint account?—Yes.

807. Mr. *Headlam.*] I understood you to say that one point to which you wished to direct the attention of the Committee was the rights of the Marquis of Cholmondeley?—Yes.

808. That is a manorial right, is it not?—That is a manorial right.

809. Does that give him the exclusive right to the ferry over the river at Runcorn?—Yes; the only part of the foreshore which is not the property of Lord Ellesmere and the trustees of the late Duke of Bridgewater, is the landing-place of the ferry, and that is claimed by the Marquis of Cholmondeley.

810. In respect of that right, he received a sum of about 1,000 *l.* a year, you say?—At least 1,000 *l.* a year.

811. Does he give you any equivalent for that?—It is in lease to a party who pays, I know, that amount or more; and all that we have is the maintenance of some three or four boats, and possibly half-a-dozen men employed on this most imperfect ferry.

812. Does the Marquis of Cholmondeley, out of that sum he receives, give any equivalent to you?—In no respect.

813. You consider that a great hardship?—We do; we consider the ferry a very high charge for so short a distance, and for such bad accommodation.

814. You consider that a very great hardship on the part of the Marquis of Cholmondeley with regard to Runcorn?—We consider it a hardshsp.

815. You think it ought to be done away with?—We think it ought to be reduced very much; you get a very much better ferry everywhere else, and for less money.

816. If you bought that piece of land you would have it for yourselves?—No; because he is lord of the manor on the opposite side of the river.

817. If you bought the piece of land on your side of the river, and on the opposite side you would have the Marquis of Cholmondeley's rights, would you not?—I apprehend so.

818. If that ferry were done away with, Runcorn would be 1,000 *l.* richer, and the Marquis of Cholmondeley 1,000 *l.* poorer?—The public would be richer.

819. If the public bought it for you, it would be much the same as if they bought any other piece of land for your advantage, would it not?—I think not; if they bought a piece of land of the Earl of Ellesmere, and also bought a piece on the Lancashire side of the river, the Marquis would come and say, "That is my manorial right; the ferry is mine; you may make another ferry."

820. Mr. *M. Gibson.*] I presume you would think it a good deal worse if you had to pay the money and had no ferry at all?—Yes; I think we should not pay the money if we did not cross the ferry.

821. Mr. *Headlam.*] Is there any doubt about the Marquis of Cholmondeley's title?—I do not think there is; I could produce it.

822. You have never disputed it?—Never.

823. Do not you conceive that his title to the ferry is as good as to any other portion of his estate?—Yes, as good as any other title to any other property.

824. Do you think that portion of his property ought to be bought up by the public for your benefit?—I am not quite sure, since it takes two parties to a bargain, that he would like to part with it.

825. Mr. *Horsfall.*] I think you stated that the amount of the town dues on salt was more than the profit of the manufacturers?—I do certainly say so.

826. From the estimate which was made, you stated the amount of town dues on the 20,000 tons of salt which you exported to be 500 *l.*?—Some part of that would be sent coastwise, assuming that to be the fact.

827. Do you mean to tell the Committee that the whole profit on your 20,000 tons of salt exported did not amount to 500 *l.*?—Not exactly so. I think you misunderstood me. I mean to tell the Committee this, that on the manufacture of that salt, not on the profit at its destination, according to my income tax put down here (I am sure I have been honest to a penny in the return), the profit was not more than 250 *l.*; it does not exceed that.

828. The profit on 20,000 tons of salt?—On all the salt I made that year did not reach or exceed 250 *l.* profit.

829. Twenty thousand tons?—I say I produce that much partly by exchange

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of coal, and what I manufacture besides; my manufacture did not last year exceed 15,000 tons; this year it will exceed 20,000.

830. Mr. *Moffatt.*] What amount of town dues did you pay in regard to salt sent through Liverpool?—The precise amount I cannot tell; I have not added up the amount.

831. Is it your impression that the amount of duty you paid was larger than the amount you have stated to have been your return for the income-tax?—I do say so, and that would apply to many other manufacturers.

832. Are there other manufacturers of salt who are exempted from paying these town dues by reason of being freemen of Liverpool?—They would have that advantage. I believe there is a great deal of salt produced and shipped which is at a loss to the manufacturer.

833. Are quantities of salt sent from the port of Runcorn upon which the town dues are returned to those who export it?—I wish the Committee to understand that no foreign salt is sent from Runcorn down the Weaver and shipped at Liverpool.

834. The Committee would understand your previous evidence to be with respect to salt manufactured at Runcorn, that in some cases the parties exporting it did pay the town dues, and that in other cases the parties got the town dues returned, as being freemen of Liverpool?—Yes, that is so

835. Are you a freeman of Liverpool?—I am not, unfortunately.

836. Some of your competitors are?—Yes.

837. Mr. *Vance.*] How many freemen of Liverpool are carrying on trade in Runcorn and claiming exemption from the town dues?—I am not aware of any in Runcorn. The competition (I am speaking chiefly of salt exported to foreign parts) appertains to Liverpool, and not to Runcorn.

838. You have no freemen in Runcorn, carrying on trade, claiming exemption?—We have not.

839. Mr. *Watson.*] How long have you been a salt-manufacturer?—More than 10 years.

840. Has there not been great competition in the salt trade these few years all through Cheshire?—Yes.

841. More supply than demand, I believe, has there not?—No, I do not think so; if that had been the case there would be stocks; whereas there have been no stocks.

842. Do not the salt manufacturers sell as soon as they can?—They do.

843. Has not the trade generally, from the supply being greater than the demand, been very low for some years past?—It occurs in this way: There is no demand, in the winter time; now, at about this season, and throughout the summer during the fishery season, the demand exceeds the supply; in the winter time the supply exceeds the demand, but on the whole, the consumption, I suppose, might be fully equal, but it did last year exceed the supply.

844. Have there been new salt works opened within the last 10 years?—There have.

845. Several, have there not?—Several on different parts of the line of the Weaver.

846. How much in 10 years has salt fluctuated in price?—It has fluctuated as much as 3 *s.* a ton in common salt.

847. It has been as high as 6 *s.* a ton, has it not?—It was more than 6 *s.* for a short period on common salt, and it has been as low as 3 *s.* 6 *d.*

848. It is lower now than it has been for some time, is it not?—Last year it was lower than it is now; it is beginning to rise and improve again.

849. If one of your partners in the salt works was a freeman of Liverpool, could you send your salt, without paying the Liverpool dues, to America?—By being dishonest I could do so.

850. By being honest could you?—I could not; supposing I had a partner, and the shares were in two or three; if there were two, then, fairly and honestly speaking, I could only send 10,000 instead of 20,000 tons.

851. Is the ferry over the river at Runcorn?—On the river.

852. From one side of the river to the other?—Yes.

853. What is the distance?—It is called Runcorn Gap at that particular part of the river; my memory does not serve me; it cannot be more than 200 yards.

854. Are

854. Are there boats kept up there?—Yes, on each side; there are two boats, I think, on each side.

855. You pay so much for passing?—Yes.

856. And for goods?—Yes; there is a good deal of corn brought over, and produce largely; I believe agricultural produce.

857. What you complain of is having to pay?—I do not bring that as a complaint against Liverpool.

858. Every person pays 1 *d.*?—Every person who goes over pays 2 *d.*

859. And so much for goods?—Yes; if you take a horse and vehicle, I believe, the ferry is 1 *s.* for a single horse, and 6 *d.* for the vehicle; 1 *s.* 6 *d.* the man and vehicle.

860. There is no charge upon that ferry for persons who do not go across, is there?—By no means.

861. I did not very distinctly understand what it was you complained of in this ferry?—I brought that as showing that the ferry was another taxation on the people of Runcorn; that people cannot move out of Runcorn, or receive goods, or export goods, without paying for which they receive so little.

862. Is it not the fact that everywhere in England, from the Tweed to the Channel, wherever you go across a ferry, you have to pay for passing; do you know one in England that is free?—Queen's Ferry, on the river Dee, is free; the best ferry in England.

863. It is not a ferry boat, is it; it is a sort of bridge?—It is worked by machinery.

864. Do not you pay a sort of turnpike toll, as you go over?—I think not.

865. You would abolish this ferry toll at Runcorn?—No; I do not ask for that; I should like to see it done, but I do not say so.

866. Sir *J. Duckworth.*] Out of what fund is the Queen's Ferry maintained?—I am not perfectly conversant with that particular.

867. Mr. *Hardy.*] You said you had applied for contribution for Runcorn improvements to the Liverpool Corporation; out of what fund did you ask it?—Out of the funds paid as town dues by Runcorn to Liverpool.

868. Did not you know that they could not have advanced you the money out of those funds?—I thought they might with as much fairness have given us the money as they could exact it.

869. Mr. *Horsfall.*] I think you stated it as a grievance that the river was not buoyed from Liverpool to Runcorn?—Yes, by the Corporation.

870. Do you think that the owners of vessels at Liverpool, and the shippers of goods through Liverpool, who do not use the river from Liverpool to Runcorn, should contribute to the expense of lighting and buoying the river, because you contribute to lighting and buoying the entrance to the Mersey, which is used alike by the people of Liverpool and the people of Runcorn?—I do think so, for this reason, that since the people of Runcorn pay for lights and buoys, from the floating light to Liverpool harbour, and as that is exacted on all vessels entering the river Mersey and trading to Runcorn, all vessels trading to Runcorn should have the full benefit of it.

871. Can you tell the Committee how Liverpool has the benefit of those lights and buoys more than Runcorn?—Only as *pro ratâ*; in the case of a vessel entering the harbour in the night time, which may have a cargo of the value of 40,000 *l.*, and another vessel coming in the day time with a cargo of limestone from the coast of Wales, the charge does not bear equally.

872. You have the full benefit of the lights and buoys, in the same way that the people of Liverpool have, have you not?—We have.

873. And yet you think it is just that the people of Liverpool should contribute to lighting and buoying the Mersey from Liverpool to Runcorn when they do not use those lights and buoys?—I do think so, for this reason, that as the lights and buoys were primarily fixed for the safety of the navigation, that safety ought to be extended to Runcorn.

874. Following that out, how does that agree with your ground of complaint, that Runcorn contributes to the town dues for which she gets no benefit; do you expect the people of Liverpool to contribute to lighting and buoying the Mersey from Liverpool to Runcorn, from which they get no benefit?—I never made the lights and buoys a ground of complaint; I know the people of Runcorn would cheerfully contribute to them.

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875. You do complain that the river is not lighted and buoyed from Liverpool to Runcorn?—It is already done at the expense of the people of Runcorn.

876. You think the people of Liverpool, who do not use it, ought to do it?—For the benefit of vessels trading to Runcorn.

877. *Chairman.*] You think, I presume, that dues levied upon the whole port ought not to be expended entirely upon a part of it?—Yes; that the taxation ought to be for the benefit of all vessels trading to Runcorn.

878. Sir *J. Duckworth.*] Are the dues paid by the Runcorn vessels the same dues as those which are paid by Liverpool vessels?—Yes.

879. They use the lights and buoys which the Liverpool vessels use before they arrive at Liverpool, do not they?—Yes, they do, before they arrive at Liverpool.

880. After they pass Liverpool they begin to use other lights and buoys?—Yes.

881. Therefore a Runcorn vessel uses many more lights and buoys than a Liverpool vessel, but pays the same rate?—Yes, but the Runcorn people pay their own rates for the extra lights and buoys.

882. Their own rates are paid for lights and buoys above Liverpool?—Yes.

883. Mr. *Horsfall.*] You were asked something about the conservancy of the Mersey; are you satisfied that the conservator does his duty as conservator of the river?—I am hardly competent to answer that question.

884. Have you any complaint against the conservator of the river?—No.

Mr. *John Hutchinson*, called in; and Examined.

Mr. *J. Hutchinson.*

885. *Chairman.*] YOU are a Partner in what firm?—Hutchinson & Earle, Alkali Manufacturers.

886. Where do you carry on your business?—At Widnes Dock, near Warrington, on the opposite side of the Mersey to the town of Runcorn, on the Lancashire side.

887. Will you state the materials that you employ in this manufacture of alkali, so far as is relevant to the subject of inquiry before this Committee?—In the immediate district round, within seven or eight miles of Widnes Dock, where a large portion of the alkali trade is concentrated, the following amount of raw materials are consumed: about 50,000 tons of salt, about 40,000 tons of pyrites or sulphur ore, and about 60,000 tons of limestone.

888. What do you produce from those materials?—About 30,000 tons of soda ash, about 1,500 tons of bicarbonate of soda, about 3,000 tons of crystals of soda, and about 1,500 tons of bleaching powders. Those quantities are what are consumed and produced in the alkali district, on the Lancashire side; they do not include what is produced in one or two works on the Runcorn side of the river; I am confining myself to my own district.

889. You have a railway between your district and St. Helens?—A railway and a canal.

890. You employ coal, I suppose?—Yes.

891. That comes from St. Helens?—Yes.

892. That pays no town dues?—No.

893. With regard to those ingredients, will you state what is levied upon them?—The first tax that is levied is the amount of 2,500 *l.*, which is charged by the Weaver navigation as Weaver dues, upon the salt consumed by the alkali trade, a very large portion of which Weaver dues go to reduce the local expenditure of the county of Chester.

894. In aid of the county rates?—Yes.

895. What is the value of the salt upon which that is paid?—About 20,000 *l.*

896. More than 10 per cent.?—About 12 per cent.

897. Is some service rendered for that?—Some service is rendered.

898. Not one quarter to that amount?—Not to half that amount. A very large surplus, after keeping up the navigation, goes to the reduction of the local rates.

899. That has nothing to do with Liverpool?—No.

900. Now, with respect to pyrites?—The value of the pyrites consumed is about

about 40,000 *l.*; upon that town dues are exacted by the corporation of Liverpool to the extent of about 500 *l.*

901. That is at the rate of 3 *d.* per ton?—Yes; 1 ¼ per cent. upon the value of the article.

902. From the Weaver to Widnes you cross the Mersey?—Yes.

903. How do you escape paying town dues for that; you go through a portion of the port of Liverpool, do not you?—I do not know how we escape paying them; they are not exacted from us.

904. Then what is the value of the limestone?—The value of the limestone is about 12,000 *l.*; upon that Liverpool town dues are exacted, amounting to about 250 *l.*, or at the rate of two per cent. upon the value of the article.

905. What is the total amount of town dues exacted upon those different raw materials?—£. 750 upon the raw materials, exclusive of that upon salt; the salt is 2,500 *l.* more.

906. Are any of those things which you manufacture exported?—About four-fifths of the production of alkali in the district are exported.

907. Do you pay town dues upon that?—Upon all of it.

908. What amount?—The total town dues paid upon the exports amount to about 500 *l.*

909. Where do those exports go to principally?—The largest market is America; I should say half of it goes to America.

910. Have you any competition in America in this species of manufacture?—No.

911. Is there any duty imposed in America?—Yes.

912. What is it?—It varies upon the different descriptions of alkali from 10 to 20 per cent.

913. Then the Committee understand that you pay duty upon the raw materials on the exported article, and then you are taxed from 10 to 20 per cent. in America?—Yes.

914. Do you get any benefit for these taxes that you pay?—Not any whatever from the town dues.

915. Have you a dock at Widnes?—Yes.

916. Does it belong to the Railway Company?—Yes; it belongs to the St. Helen's Canal and Railway Company.

917. Have you to pay dock rates?—Yes.

918. What is your rate?—I pay upon all the pyrites, salt and other materials, which use the dock, 2 *d.* a ton, which is only two-thirds of the town dues which I pay at Liverpool.

919. What do you pay upon the salt as dock rate?—Two-pence; the dock rate upon everything is 2 *d.*

920. The rate on salt exported is 6 *d.*, is it not?—It is so; I never was concerned in exporting.

921. What do you pay upon limestone?—One penny a ton, two per cent. on the value; the value is 4 *s.* per ton.

922. The dock rate?—There is no dock rate at Widnes Dock upon limestone; that is free; their Act compels them to allow it to pass free.

923. Is any of your alkali sold in Liverpool?—Yes.

924. Are the town dues levied upon that?—Upon what is sold for consumption in Liverpool no town dues are levied at all.

925. How is that, do you know?—I presume they exempt it as being for the special benefit of the inhabitants of Liverpool. I know in cases where goods go down the river, and go into the docks or basins in Liverpool, the vessel, perhaps, will discharge four-fifths of her cargo alongside a ship, and never make use of the streets of Liverpool in any way, and upon the whole of that we have to pay town dues; but if we take out one-fifth of the cargo of that same vessel, and send it through the streets of Liverpool, having used both the river, the basin, the dock, and the streets, from which we may be supposed to get some benefit in the paving and lighting from the town dues, we pay nothing whatever.

926. Do you pay dock dues in such a case as that?—No.

927. Not even if you use the accommodation of the docks?—No; the goods exported alone pay dock dues..

928. Mr. *Watson.*] Dock dues are paid?—I presume so; we do not pay them; no dock dues are paid upon our cargoes coming down the river.

 929. *Chairman.*]

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929. *Chairman.*] If foreign alkali came from America to Liverpool, would that pay town dues?—Yes, but none is exported from America.

930. Supposing you sent some alkali to America, and brought it back for consumption in Liverpool, should you pay upon that?—I cannot answer that question.

931. You do not know the regulation upon that?—I believe the regulations are entirely arbitrary.

932. We are aware that a freeman is exempt from payment, but you are not speaking of freemen?—I am speaking of manufacturers who are not freemen.

933. Have you any observation to make with regard to the inequality of the town dues?—Yes; there is very great irregularity and inequality in the way the rates are assessed upon articles and raw materials such as we consume which are large in bulk and of low price; the rates are very heavy *pro ratâ*. For instance, the due upon copper ore, which varies from 20 *l.* to 60 *l.* a ton, is charged only 6 *d.*, while pyrites, of the value of about 20 *s.* a ton, is charged 3 *d.*, and limestone, of the value of 4 *s.* per ton, is charged 1 *d.*, thus charging 20 to 30 times as much *ad valorem* upon those articles as upon copper ore; copper ore is a foreign product, whilst the others are native products.

934. Are there any alkali manufacturers at Newcastle and on the Clyde?—Yes.

935. What do they use for the purpose of getting sulphur; do they use pyrites?—They use pure sulphur to a very large extent.

936. Where do they get it from?—From Sicily.

937. What is the incident of taxation upon that?—In Liverpool the taxation upon sulphur from Sicily is 6 *d.* per ton, and as we can only extract from our pyrites about 25 per cent. of sulphur, and it is taxed at the rate of 3 *d.* per ton, it makes a tax of 1 *s.* upon all the available sulphur we can consume.

938. It is the same as if they taxed pure sulphur at 1 *s.*?—Yes; they tax the sulphur, our home production, at 1 *s.*, and Neapolitan sulphur 6 *d.*, thereby offering a direct encouragement to its use.

939. So that the manufacturers you compete with at Newcastle and on the Clyde pay one-half the duty on the raw material that you do?—They pay much less even than that.

940. What is it at Newcastle?—It is very low. I think it is about 2 *d.*; certainly not more, if it is as much.

941. Twopence where you pay 1 *s.*?—Yes.

942. Does this operate favourably to the foreign sulphur?—Without any doubt it does. It is an addition to the cost of the pyrites which we consume.

943. Does it induce people to use foreign sulphur in preference?—The relative values are very nearly balanced; if there is any fall in the freights of sulphur, sulphur goes largely into consumption; and if there is any increase in the price of pyrites, pyrites go out of consumption; the tax of 3 *d.* a ton upon the pyrites tends to throw it out of consumption. But the mining proprietor who produces pyrites would be able to give the best evidence on that point.

944. Where is it produced?—Principally in Wicklow.

945. The tendency is to place the Irish commodity on a level with the Sicilian, and make them nearly equivalent; whereas if they were equally taxed the former would have a decided advantage?—It would have a decided advantage; at any rate 9 *d.* or 1 *s.* a ton.

946. Has not there been a new process invented for recovering copper out of sulphur?—A process has come into use for recovering small portions of copper and the precious metals; all the pyrites from Wicklow contain some portions of copper and of the precious metals, both gold and silver; and a process has come into use for extracting them after burning the sulphur off, and of course every cause which tends to diminish the consumption of the pyrites, and to substitute sulphur for it, diminishes the extent of that manufacturing process.

947. It interferes with this new branch of industry?—Of course it is quite fatal to it; if the pyrites does not come, and is not consumed, this branch of industry must become extinct.

948. It depends upon the existence of a large quantity of refuse pyrites, does not it?—Entirely.

949. If you encourage the introduction of pure sulphur, this new process cannot continue?—No, it cannot continue.

950. Does

950. Does it employ many hands?—Yes; it is increasing, and it has a tendency to increase; the process is quite new.

951. You have a piece of land at Widnes on which you carry on your manufacture?—I have.

952. What is the size of it?—About three or four acres.

953. What tenure do you hold it upon?—Leasehold.

954. Have you made any comparison of the expenses?—Yes, a very remarkable comparison; I think it is peculiarly well situated for manufacturing purposes, and in consequence it commands the high rent of about 40 *l.* per statute acre. The works thereon were erected at a large outlay of capital, and are fully rated to all parochial purposes, but the rent of the land, and the whole of the poor and highway rates, and other parochial taxes collectively, do not amount to as much as the town dues extorted from us, without our deriving any benefit whatever from them.

955. They exceed your rent and whole taxation to the State in respect of land?—Not to the State; all the parochial taxes and highway rates.

956. What other tax is there in respect of land?—There is no other tax in regard to land; the town dues exceed the whole of the local taxation and the land rent as well.

957. Do you observe that those charges of which you complain have any prejudicial effect upon your trade?—They have a tendency to remove the trade from our district without any doubt.

958. How is that?—To remove it to a district where no such charges exist.

959. To what district does the trade show a tendency to remove?—There is one large manufacturer who has given up his works in our district almost entirely, and removed his works and manufactory to the river Dee.

960. Mr. *Watson.*] Is that Mr. Muspratt?—Yes. The case is a very remarkable one; Mr. Muspratt was compelled to remove his works from where he had them in the centre of the St. Helens district.

961. *Chairman.*] Were they a nuisance?—Actions were brought against him for damages, and he was compelled to remove his works. It then became a very serious question which was the best locality in which he could establish them, and the choice lay between our district and the Dee. He erected small works at Widnes Dock, and he commenced to erect works on the Dee; the small work at Widnes Dock has remained entirely stationary and has not increased, and is not worked up to its full extent. The works on the Dee he has increased to a very large extent, and works them fully. The difference probably in the local charges upon his works established on the Dee, and the same works if they were in our district, and subject to Liverpool town dues, would be probably 300*l.* or 400*l.* a year.

962. Are you aware whether that weighed with him in his choice, or do you only infer it?—I infer it; the facts are there: I give you the facts.

963. You are not aware from him that that was the cause?—No; I know from him that his choice of the Dee was from a careful comparison of the various charges upon the raw materials. Of course that formed one of the items in the calculation. The charges upon the raw material are a matter of calculation with every alkali manufacturer.

964. Are you exposed to severe competition in your manufacture?—We are.

965. With whom?—With manufacturers on the Tyne, the Clyde, and on the Dee, and of course this puts us in a position of inferiority to them.

966. Have you made any calculation what amount your works alone pay?—About 280*l.* a year.

967. The manufactory in which you are a partner pays that amount to the town dues?—Yes.

968. You are not taking into consideration the Weaver dues?—No; Liverpool town dues exclusively.

969. Do you mean exports and imports both?—Yes.

970. You were speaking before of the whole district; there are several manufacturers at Widness?—Yes, in Widness and St. Helens.

971. Do you know how many?—About five, I think.

972. Mr. *Vance.*] There is a misunderstanding as to what is paid: do you mean that all the manufacturers of the district pay 280 *l.* to the Liverpool town dues, or you yourself individually?—We ourselves, our firm.

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973. *Chairman.*] What are the imports and exports in Widnes Dock?—The annual imports at Widnes Dock and the Sankey Canal (the two join the river at the same spot) amount to about 150,000 tons, and the annual exports to about 540,000; and upon those exports and imports, town dues are exacted to the extent of about 3,000 *l.*

974. Where is this paid; is it paid at Widnes?—None of it at Widnes.

975. Is there any collector there?—No, there is no collector there; it may be paid either in Liverpool or in Runcorn.

976. That which is paid at Runcorn is assessed to all local rates, is it not?—Yes.

977. Do you get any benefit from that?—No, it is a very great hardship to us. Upon the amount of our town dues that is paid at Runcorn, 10 per cent. is retained in aid of the local rates of Runcorn; but the district of Widnes, where the imports and exports take place, receives no portion of this at all in aid of its local rates.

978. It is not a greater hardship, I suppose, than if it had gone straight to Liverpool?—No; it is only a hardship by contrast with the position of Runcorn, on the other side of the river.

979. You have no power of levying a rate upon it; do you know under what power Runcorn does it?—No; I was only aware they exercised it a short time since; it is a very intangible thing.

980. You do not know under what title they levy it; it is as poor-rates, is it not?—I do not know what title they levy it under in Runcorn; I know they receive it.

981. Can you state how the town dues are levied at Runcorn or Liverpool?—I never passed an entry myself; I understand that the process is that the collector of Customs will not pass the entries for a vessel to go out until she has paid the town dues; but my clerk, who has done so, informed me, before I came here, that that was the case; I believe there is no doubt whatever of the fact; I believe it is perfectly well known.

982. What amount of labour do you employ in your manufactory?—We employ about 300 hands.

983. What amount is employed in the alkali trade in Widnes?—It will give support, I should think, to about 10,000 persons; 2,000 families in the district of Widnes and St. Helens.

984. If the trade were to leave the district, it would be attended with great distress to a large number of persons?—Of course, unless they followed it.

985. Is there anything else you wish to lay before the Committee?—No.

986. Mr. *Hardy.*] What are the goods you speak of which amount to 540,000 tons; what kind of goods?—I have a return of them here.

987. What class of goods are they?—The largest proportion of them is coals.

988. Is that coal exported to the Mersey, or used within the Mersey?—It is partly sent up the river Weaver, partly sent down to Liverpool for export, and partly sent down for consumption in Liverpool.

989. Then the coal would not pay town dues in that case?—No, or else the amount I have named would be very much larger.

990. The Committee understood you to say that the town dues were paid upon all?—No; I will give you the figures; out of about 420,000 tons of coal which are sent down, I estimate about 180,000 that are exported from Liverpool pay town dues.

991. I think your answer would be found to say, that the town dues are paid upon all; that is why I ask you whether coals are not included?—Not upon all; upon anything that is used in Liverpool no town dues are paid.

992. Mr. *Vance.*] You say that you pay as much in town dues as the local rates amount to?—A great deal more.

993. How much in the pound are your local rates?—About 2 *s.* to 2 *s.* 6 *d.*

994. Mr. *Horsfall.*] You spoke of Mr. Muspratt having extended his works on the Dee, owing, according to your opinion, to the oppressiveness of the town dues levied at Widnes?—I stated the fact that he has done so; of course that had something to do with it; it had to do with the choice of the locality.

995. Are you aware of what becomes of the alkali that Mr. Muspratt manufactures at his works on the Dee?—He sends a great portion of it to Liverpool.

996. Then I apprehend your argument, as far as it goes to the town dues of Liverpool,

Liverpool, does not hold good?—What is exported from Liverpool pays the town dues; what is consumed in Liverpool does not.

997. If Mr. Muspratt sends by far the greater portion of what he manufactures on the Dee to Liverpool, he does not get the advantage he presumes he does?—Not upon the goods he manufactures; he gets the whole advantage upon the raw material; upon the raw material he escapes entirely.

998. Are you aware how many new works in the district of Widnes and St. Helen's have been constructed within the last ten years?—The number of alkali works in the district has not increased at all. I think Mr. Muspratt has removed, and my works have been built within the last ten years; within seven years, with the exception of Mr. Muspratt's leaving and my own works being built, I think that is the only change in the number of alkali works in the district, as far as my memory serves me. I may be wrong to the extent of one or two; there are only six or seven altogether.

999. Was not Mr. Muspratt driven away both from Liverpool and the neighbourhood, owing to an indictment for the nuisance which he made?—He was obliged to remove his works from Newton, not from Liverpool; he has works at Liverpool still.

1000. Had he not works in the lower part of Liverpool that he was compelled to remove?—They are there still.

1001. Do you know that yourself?—Yes.

1002. He was prosecuted, and he was ordered to remove them, was not he?—He was prosecuted. I do not know what he was ordered to do. I only know they are there now, and used as alkali works; he never stopped entirely his alkali works; of course they made the nuisance that all alkali works formerly did; but the process has been changed very materially.

1003. Mr. *Watson.*] With regard to this Weaver due which you pay, you say that you get a benefit from it?—We get a certain benefit from it.

1004. What is that benefit?—The navigation of the river Weaver is kept open from the salt-works down to its junction with the river Mersey.

1005. Who keeps it open?—The trustees of the Weaver Navigation, I think they are.

1006. It is not merely the river?—No; it is the river made navigable.

1007. Does the tide flow in it?—The tide flows a considerable way up it.

1008. How do you say there is no benefit obtained from the Liverpool corporation?—They do nothing whatever in return for the money that we pay them for the river out of the town dues, except that they pay Captain Evans' salary; I believe that is the only thing they do, and I am not quite certain about that.

1009. Your objection is that they do not apply the money to the river?—That is entirely my objection; they do not give us value received; we would not object to it if we got value for it.

1010. How do you make out the irregularity and inequality in those payments; is there any distinction between foreign ore and ore raised in this country in the amount paid at Liverpool?—Pyrites is what we consume in the alkali trade; no pyrites is imported from abroad; but copper ore is imported from abroad to a large extent into Liverpool, and it varies in value from 20 *l.* to 60 *l.* a ton, and the rate of town dues upon that is only 6 *d.*

1011. Is the duty made *ad valorem*?—No, it is an arbitrary duty of 6 *d.* a ton, it has no reference to value at all; I mean arbitrary in every sense, with regard to the town dues.

1012. Give me some definition of the word "arbitrary"?—We are compelled to pay it very unjustly; I call that arbitrary.

1013. What is the injustice you complain of?—That we are compelled to pay this money, and we have no voice whatever in the disposal of it; we get nothing for it.

1014. You ought to have a voice in it, you think?—We ought to have a voice in it. We ought to get something for it.

1015. Mr. *Duncan.*] You do not complain of the tax if you can get *quid pro quo*?—We would not complain of any tax if we got anything for it.

1016. Mr. *Watson.*] Mr. Muspratt had the great works at Newton; the largest alkali works probably in England, were not they?—They were at that time the largest alkali works in England.

1017. It was in consequence of the complaint of their having destroyed all

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vegetation around them that he was compelled to remove them?—He was compelled to remove them in consequence of actions being brought against him.

1018. In consequence of actions brought against him by his own landlord?—I do not know the individuals who brought the actions, but he was compelled to remove them.

1019. In consequence of having sent a poison through all the vegetation round the place, was not it?—The actions were brought against him, and were settled and compromised by his agreeing to remove the works.

1020. There was a verdict against him?—There had been verdicts against Mr. Muspratt, and against every alkali-maker in the trade.

1021. What choice had he of localities for his alkali works?—He had the choice of Widnes Dock, in the immediate neighbourhood of my own works, and on the river Dee; Flint, where he has gone.

1022. Has he got large works there?—Yes.

1023. As extensive as at Newton?—I do not think quite as extensive, but nearly.

1024. Are there not a very great number of chimneys in your neighbourhood at St. Helen's?—Not of alkali chimneys; there are four or five at St. Helen's itself.

1025. Was there any spare ground upon which to erect such large works in your neighbourhood?—Yes; Widnes Dock is only seven miles from St. Helen's; he could have got it there.

1026. You had nothing to do about choosing for him; he did not consult you upon it?—No.

1027. Whether it was on account of the Liverpool dues, or that he got a cheaper locality, you cannot tell?—He did take land at Widness Dock, and he erected small works there; he has taken land sufficient to erect large works, but he has only erected upon that land very small works; those small works which have been erected now for some years, have not increased, and do not apparently seem likely to increase, while the works on the Dee do.

1028. You manufacture and export a great deal of alkali?—Yes.

1029. How many thousand tons do you manufacture yourself in the course of the year?—About 5,000 to 6,000 tons of alkali.

1030. Do you export it?—Not the whole of it; I should say four-fifths.

1031. Mr. *Horsfall.*] On your own account?—Some we export on our own account.

1032. What proportion?—I cannot tell that.

1033. A fourth, or a fifth, or one-half?—It depends entirely upon whether there is a good market; if we can, we sell; if we cannot, we export.

1034. Mr. *Watson.*] You sell to the merchant who exports?—Yes.

1035. He does not pay duty if he is a freeman?—No; the practice of the trade is to sell mainly free on board, paying all charges.

1036. The manufacture of alkali at St. Helen's has increased within a few years, has it not?—It has diminished in consequence of the removal of Mr. Muspratt's works.

1037. Leaving out Mr. Muspratt, has not the manufacture increased very much at St. Helen's?—No, I do not think it has at all at St. Helen's; my works have been built since; I think it has increased about that much.

1038. When did you begin?—About seven years ago.

1039. I presume you have been increasing your trade during that time?—Yes.

1040. How long has alkali manufacture existed at St. Helen's?—Perhaps 25 years; I only speak at random about that.

1041. I am glad to hear that notwithstanding the Liverpool dues, your manufacture has increased very much?—Throughout England without doubt it has.

1042. Immensely?—Yes; no other place can make alkali at all to compete with some parts of England.

Mr. *William Hayes,* called in; and Examined.

Mr. *W. Hayes.*

1043. *Chairman.*] DO you reside at Runcorn?—I reside at Frodsham; I carry on business in Runcorn.

1044. What is your business?—I am a merchant and shipbroker.

1045. Are you a commission merchant?—I am a merchant on my own account entirely.

1046. Are

1046. Are you a freeman of Liverpool?—I am not; my father was.

1047. How came you to lose that privilege?—I was not born in Liverpool.

1048. I believe you were in a merchant's office in Liverpool 14 or 15 years ago?—Yes.

1049. And in the habit of passing entries at the Custom-house?—Yes.

1050. Can you describe to the Committee how the town dues are levied; who collects them?—A collector appointed, or his deputy.

1051. Is it the same person who collects the dock dues?—No; there is another officer appointed to collect the dock dues; there is a collector for each; I am speaking of what took place 15 or 16 years ago; you pay the town dues, and you get the initials of the collector of the town dues upon your document; you also get the initials of the dock due receiver.

1052. Your entry would not pass in those days unless you had the initials of those two individuals?—If you came without them you would be sent back to get the initials, and you would have to pay the dues.

1053. Do you mean that Her Majesty's officer of Customs would not pass the entry?—Yes; there were export dues in those days.

1054. You could not get the entry passed unless you had the initials of the receiver of the town dues?—Yes, and the receiver of the dock dues; you could not proceed with your entries; that was the first process.

1055. Were you required to produce any receipt?—No; the initials were sufficient.

1056. Did you receive a receipt for the town dues?—No, you paid the dues and left the document, which was filed; we took no receipt for it.

1057. You did not get any receipt for it?—No.

1058. Did you get a receipt for the dock dues?—No; the same process applied to dock dues; and in Runcorn, at the present time, I am a shipbroker; in clearing a vessel out with salt, we cannot get the *transire* for the vessel to go to sea without the town dues being first paid.

1059. How is that enforced; is there a collector of town dues residing at Runcorn?—There is only one officer in Runcorn, and he is the collector of the town dues, and the receiver of the light dues.

1060. Is he an officer of Customs?—He is not appointed by Her Majesty's Government; we have no Customs dues to receive or pay at Runcorn.

1061. There is no Custom-house at Runcorn?—No.

1062. There is an officer of the Corporation of Liverpool, who receives the town dues and the light dues?—Yes.

1063. Supposing you refused to pay the dues, what means has he of compelling you to pay; has he any means of stopping the ship?—You could not proceed; it was tried once by a person, but before the day was over he thought better of it.

1064. Is there any assistance given in the collection of those dues at Runcorn by the Government?—No, certainly not.

1065. It is entirely done by the office of the Corporation, is it?—It is, entirely, at Runcorn.

1066. Are you aware whether the practice at Liverpool, with regard to the collection of the town dues, is the same now as it was?—I imagine it is; I do not know.

1067. The Committee are informed that freemen of Liverpool are entitled to an exemption from town dues; can you state how their goods are passed?—A freeman certifies that the property is *bonâ fide* his own, and he does not pay the dues.

1068. Upon the freeman's certificate the goods are free?—Yes; the collector of the town dues in Liverpool told me that he could not refuse to receive the certificate.

1069. What is that gentleman's name?—Mr. Litherland.

1070. If the freeman certifies that he is exempt, the collector has no power to refuse to receive the certificate?—He has no power to inquire whether the goods are *bonâ fide* the freeman's own property; he is bound to take the declaration of the freeman. I can give an instance which came within my own knowledge: in the month of November last I had complaints from Holland that my prices were too high.

1071. On what article?—Rock salt; it is a raw material, and the town dues are 4 *d.* per ton; the value of the article is 6 *s.* per ton.

1072. It is on manufactured salt that the town due is 6 *d.* per ton?—Yes; a party in Holland sent me the name of a party in Liverpool who undersold me;

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I found out that the man was a freeman. I went to Mr. Litherland and I saw the declaration of the freeman, and I pointed out to Mr. Litherland that it was not exported *bonâ fide* on his own account. He said "There is the declaration of the man, I cannot refuse to receive his declaration." In justice to the man, I will say (I presume Mr. Litherland explained the matter to him), there has been no more declared free since by the same man; but it showed me very plainly that if a man was inclined to be fraudulent he had the opportunity. I then produced two forms of bills of lading; one bill of lading is exported to the individual direct; it was my own property until I had exported it, and I was told that was on and for the account and risk of the importer in Holland, therefore it was liable to town dues. I produced another bill of lading and I said, I export it to my own order when it gets to Holland; when it gets there it is sold, and it would have been free of town dues if I had been a freeman. Not being a freeman it was exactly under the same circumstances as if I had exported my rock salt to my own order in Holland; and also white salt to "coastwise" order. If my mother had had the good luck to have gone to Liverpool, for me to be born there, it would have been 1,000*l.* a year in my pocket. I pay to Liverpool 1,154*l.* a year at least, and all upon low priced articles.

1073. Will you inform the Committee what the articles are, and their values?—Rock salt 29,000 tons, the value is 6*s.* per ton.

1074. What do you pay upon that?—£.441 13*s.* 4*d.* White salt 25,000 tons; 19,000 tons were from Runcorn and 6,000 from Liverpool; the town dues were 387*l.* 10*s.*

1075. Mr. *Beamish.*] What is the value of that?—The value is 10*s.* per ton; coals, 18,000 tons, the value is 9*s.*; I imported iron ore, 13,000 tons, the value is 11*s.* 6*d.* per ton; 2,000 tons of pig iron, the value is 70*s.* a ton, the due is 3*d.* per ton; 4,000 tons of slate, the value about 40*s.* per ton, the town dues 2*d.* per ton.

1076. *Chairman.*] What was the total value of the imports and exports?—I have not got it; upon rock salt it is six per cent. upon the value in Liverpool; that is 6*s.* per ton; the price we receive for the rock salt is only 3*s.* per ton in the works, and the river freight is 3*s.* down to Liverpool.

1077. Does that pay Weaver navigation dues?—Yes, or some dues that are equivalent; I do not send mine down the river.

1078. How do you send yours?—By the Trent and Mersey navigation, and the Duke of Bridgewater's Canal.

1079. Where does that come from?—From Marston.

1080. Why do not you send it by the Weaver navigation?—I am induced to send it the other way till the Weaver navigation reduce their tonnage.

1081. It is on account of the heavy dues of the Weaver navigation?—Yes.

1082. Have you a railway?—No; I send it by the Trent and Mersey, and the Duke of Bridgewater's Canal. I pay 567*l.* town dues at bye ports, Runcorn and Ellesmere ports, and Garston; the remainder is paid in Liverpool for goods exported from Liverpool.

1083. Where is Ellesmere port?—At the entrance of the Birmingham Canal, the Shropshire Union Railway and Canal Company's property.

1084. Where does it lie on the Mersey?—Nearly opposite Garston, on the Cheshire side.

1085. Above Eartham?—Yes.

1086. You cannot state the whole value of the goods upon which you pay that sum?—No; I have not got it.

1087. Can you mention any loss which you have sustained, besides paying those dues; have you lost any carriage?—I can mention the loss of carriage; I carry goods sometimes, and I once lost the carriage of a quantity of iron to Lancaster, from the Staffordshire district.

1088. From where in Staffordshire?—From Wednesbury, where the works were situated.

1089. Are you a carrier besides a merchant?—Yes; I carry goods by sea and canal.

1090. Are you the proprietor of any canal boats?—Yes. My rate for the carriage of that iron from Wednesbury to Lancaster was 12*s.* 6*d.* per ton; the published rate of the London and North-Western Company at that time was 12*s.* per ton. I went to Sir Thomas Brancker, who was then the collector, and said that

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that 6 *d.* a ton upon iron rails was a very heavy charge, and if they would make it 3 *d.* I would reduce my price 3 *d.*, and I could meet it in that way. Sir Thomas Brancker said at that time it could not be done, except under a composition, which could be done in those days, but the composition must apply to all iron shipped at the same time, and being comparatively a small quantity it was not done.

1091. You would have carried those by the Ellesmere Canal into the Mersey, and by sea to Lancaster?—Yes.

1092. And that 6 *d.* between you and the London and North-Western Company prevented your doing so?—Yes.

1093. What was the town due?—Sixpence per ton upon iron rails, and 3 *d.* upon the ore that went up to the same works.

1094. If there had been no town due, your price would have been equal to the price of the London and North-Western Company?—Yes, and we should have got the carriage. The iron ore and the raw material going up to Staffordshire pays the town dues, and the manufactured iron coming down to Liverpool also pays the town dues.

1095. Where does the raw material come from?—From Ulverstone.

1096. What is the duty upon iron ore imported?—Threepence per ton; the town due upon manufactured iron is 6 *d.* per ton wrought iron, and 3 *d.* per ton cast iron.

1097. Then on one lot of iron it would amount to 9 *d.* altogether, would not it?—No; you cannot assimilate the two things. I brought 8,000 tons to Ellesmere and 5,000 to Saltney, on the river Dee. I am not prepared to say that I was influenced by the town dues; but they certainly do bear upon the carriage of an article the value of which is only 8 *s.* 6 *d.* from the pits to the furnace.

1098. You have carried on business for a long time at Runcorn, have you not?—Twelve or 14 years; since I left Liverpool.

1099. Where do the coals come from which you export?—From the neighbourhood of Wigan.

1100. How are they brought down to Liverpool?—We bring them by rail to Garston or by boat to Liverpool.

1101. Have the Liverpool town dues been long a matter of complaint at Runcorn?—They have been long a grievance that I have suffered under, but an individual can do nothing in a matter of that sort.

1102. Have you long been aware of the nature of the town dues, and how they were applied?—Yes, always. I believe it has been one means of driving salt to be shipped at the ports on the east coast of England; instead of its being shipped at Liverpool it goes by railway and canal to Goole, Grimsby, Hull, and Gainsborough. They have all become shipping ports for salt now.

1103. Where does that salt go to afterwards?—To the Baltic, principally.

1104. Would not the natural position of Hull and all the places you have named make them more eligible as shipping ports for the Baltic?—Decidedly; but 6 *d.* per ton upon white salt and 4 *d.* per ton upon rock salt, compared with the value of the articles, is heavier than the due upon any other article in the whole tariff.

1105. What would it cost to send salt to Hull?—I do not know.

1106. How has Runcorn suffered from this?—I have read the evidence given by Mr. William Rigby on Thursday last, and he appears to have explained pretty fully that the town dues are almost equivalent to the local rates of Runcorn. With respect to the 900 *l.* paid for buoys and lights, we receive no account of how it is disbursed, nor have we the means of knowing.

1107. I suppose you admit you receive some consideration for that payment?—Yes. I do not know that it is any imposition at all. I should say not; but it would be very well to explain how it is disbursed.

1108. Has the import trade in pig iron been at all affected by the Liverpool town dues?—Unquestionably.

1109. In what respect?—It has been driven to Fleetwood and Poulton almost entirely by the town dues being so heavy.

1110. Where is Poulton?—Poulton is near Lancaster, on the Little North-Western, as it is called.

1111. Has the trade in corn been affected?—That has left us entirely; I am not prepared to say that it was caused by the town dues.

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1112. Is there not a want of railway accommodation at Runcorn?—We have no railway accommodation whatever.

1113. Do you consider that you get any benefit from the Liverpool town dues?—None whatever.

1114. What amount of town dues do you estimate is paid at Runcorn?—£. 2,500 is about the amount paid.

1115. Did you hear a previous witness state it at 1,300 *l.*?—That was the amount of the assessment to the poor-rate; they are between 2,500 *l.* and 3,000 *l.*

1116. What are the rates which are paid for your local purposes?—About 3,000 *l.* Mr. Rigby stated them, and I have no doubt that amount is correct, because he is a Commissioner; I am not conversant with the subject. I may also mention, with respect to the article rock salt, that at Carrickfergus, in the neighbourhood of Belfast, rock salt has recently been discovered, and the price is about 5 *s.* 9 *d.* per ton; the price in Liverpool is 6 *s.* per ton, without the dues, and they must have an influence against us.

1117. Is the rock salt brought into England by Liverpool?—No; Holland and Belgium are the principal consumers of rock salt.

1118. Does the rock salt from Belfast enter into competition with you?—Yes, at Newcastle.

1119. If it came to Liverpool it would be subject to the same town dues as your salt, would it not?—It would be impossible that it should come there; the freight from Belfast to Liverpool would be as much as the value of the article.

1120. It does go to Newcastle from Belfast and Carrickfergus?—Yes. I used to have that trade, but they are below me in price.

1121. Do you consider that you are injured in that competition by the town dues?—Yes. The town dues "coastwise" are only 2 *d.* per ton.

1122. Do you know anything about the conservancy of the Mersey?—I am the owner of some land upon the banks of the Mersey, and I know that we cannot do anything without having permission from them. We cannot use any means to preserve the land, although we see our land washing continually away.

1123. The land is washing away on the Cheshire side, is it not?—A good deal at present.

1124. What is that attributed to?—I do not know. I apprehend the conservancy is all for the benefit of Liverpool, and not at all for the benefit of Runcorn.

1125. Do you know anything at all about the conservancy?—No. Captain Evans is the man we have to apply to.

1126. Is he paid by the Liverpool Corporation?—By the conservators; I do not know who they are.

1127. Have you any voice in the imposition of the dock dues which you pay?—No. I have nothing to object to in the dock dues.

1128. Has Runcorn or any other of the ports of the Mersey, except Liverpool, any power of being represented on the dock committee?—It is impossible. A member of the dock committee, as I understand, must be resident within six miles, and Runcorn being 18 miles by river and 13 by land from Liverpool, of course we cannot have a trustee living there.

1129. That is the regulation in the Act of Parliament, is it not?—I believe so.

1130. What is the freight of iron ore from Ulverstone to Runcorn?—Pig iron from Ardrossan is about 5 *s.* a ton; it is about the same to Fleetwood and about the same to Poulton; therefore the town dues exercise a considerable influence; 3 *d.* a ton is a good deal upon iron.

1131. You think it exercises a considerable influence in diverting the trade?—Upon pig iron I am sure it does.

1132. And the freemen of Liverpool obtain an exemption from the town dues?—Only under certain circumstances.

1133. Are many freemen of Liverpool large exporters?—Yes; the chief exporters to America are freemen.

1134. Do you think, practically, that exemption gives them much advantage in competition?—Yes; it shuts others out entirely.

1135. I understood you to say, that if you were a freeman you would have saved 1,000 *l.* a year?—If I had been a freeman, and could have made the declaration, as Mr. Litherland told me, that I exported to my own order, it would have been

been a saving to me of upwards of 1,000 *l.*; upon my own imports, *bonâ fide* my own property, it would have saved me upwards of 300 *l.* a year.

1136. Mr. *Duncan.*] You have stated that the amount you paid last year was 1,154 *l.*?—Yes.

1137. If you had been a freeman how much would you have saved of the 1,154 *l.*?—I should have saved about 300 *l.* on imports and exports.

1138. Mr. *Horsfall.*] Therefore only about 300 *l.* of the 1,154 *l.* was on your own account?—Yes; but I should have altered the system of business; if I could have delivered them in Holland or Belgium I could have entered into a contract with a vessel or steamer and saved the 4 *d.* a ton; I should have delivered it all there.

1139. My question had merely reference to a previous answer, in which you informed the Committee that you paid 1,154 *l.* on your own account?—On my own goods.

1140. Goods that you were shipping?—Goods that I *bonâ fide* owned until I invoiced them.

1141. Mr. *Duncan.*] By being a freeman you could have saved about 300 *l.* out of 1,154 *l.*?—Yes.

1142. Mr. *Headlam.*] Do you consider that the town dues are at this moment prejudicial to the trade of Liverpool?—To the trade in low-priced articles.

1143. Do you think it has always been the case that the town dues have been prejudicial to the trade of Liverpool?—They have always been prejudicial to the salt and coal trades.

1144. Do you extend that remark further to trade generally?—I am not sufficiently acquainted with trade generally to know, but I believe they are prejudicial.

1145. Do not you consider that the existence of these town dues has been beneficial to the town of Liverpool itself?—Unquestionably.

1146. Do not you think that Runcorn has benefited by the improvement of the town of Liverpool?—It is totally impossible.

1147. Supposing Liverpool had been a much smaller place, would Runcorn have been a much larger place?—The town dues have not gone to make Liverpool a larger place; they have gone to embellish it.

1148. You say that the town dues have been a benefit to Liverpool?—To the town, but not to the docks and shipping.

1149. Would not the trade of Liverpool have been as great at this moment if the town dues had not existed?—Certainly.

1150. How do you account for the great growth of Liverpool if the town dues have been so injurious?—I believe Liverpool is the finest port in the kingdom.

1151. How do you account for it?—From the fine country there is at the back partly, and the fine coal field and salt field there is at the back for export ships, making loading for vessels out. There would not have been the same amount of imports if there had not been exports. The prosperity of Liverpool is mainly owing to the great manufacturing districts at the back. I should like to see Liverpool grow to five times the size it is.

1152. Do you think that the trade of the town of Liverpool would have been greater if there had not been any town dues whatever imposed?—Yes; I am sure they are prejudicial to the salt and coal trade, because they are a very heavy tax upon a very low-priced article.

1153. Mr. *Moffatt.*] Are there many freemen of Liverpool who are engaged in mercantile pursuits?—Yes; a considerable number.

1154. Do you know what proportion?—I do not know; the greatest exporters of salt to the United States are freemen.

1155. Have any calculations ever been made, as to how the tax operates with regard to freemen of Liverpool and those who are engaged in mercantile pursuits?—It gives them the salt trade into their own hands.

1156. Practically, those who are entitled to the drawback monopolise the salt trade by reason of having this exemption over their rivals?—They do not pay them at all; it is not paid and received back at all.

1157. Does the same practice of not paying the town dues at all by freemen, obtain with reference to any other goods?—All the goods of freemen neither pay in or out; they are declared free.

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1158. Do you know that of your own knowledge?—I do.

1159. Do many mercantile firms in Liverpool avail themselves of this privilege; I mean merchants carrying on other businesses besides the salt business?—Many eminent firms in Liverpool are freemen.

1160. As regards competition, it is not a grievance confined to the salt trade?—It is because the tax is heavier upon the salt trade than upon any other trade.

1161. There is this exemption upon other goods in favour of some mercantile houses over others?—Yes, there is, to a large extent.

1162. Are many of those engaged in the East India trade freemen?—I think not.

1163. Do the larger mercantile houses in Liverpool think it right to avail themselves of this exemption which the law will give to them?—I never knew an instance in which they were good enough to give it up to the town; I think it would be chronicled in the newspapers if they did.

1164. Are there any returns published in Liverpool of the quantities of goods which thus pass free, out of the total imports and exports of Liverpool, without paying the town dues?—I am not prepared to say that.

1165. Is there any detailed statement, or can you tell how much of the 25,000 *l.* a year, which has been mentioned in evidence, is returned to the various houses?—I cannot tell that.

1166. *Chairman.*] Have you any idea of how many freemen there are?—I have not.

Frederick Shepherd Hull, Esq., called in; and Examined.

F. S. Hull, Esq.

1167. *Chairman.*] YOU are an Attorney practising at Liverpool, I believe?—I am.

1168. By whom are you employed?—I am employed by a number of the leading shipowners and merchants in Liverpool, and also by a large proportion of the manufacturers of salt in the valley of the Weaver navigation, to present before this Committee the complaint that they make against the levy that is made upon salt at Liverpool, amounting to 1*s.* 6*d.* on the ton of salt, of which the value is only 7*s.* 6*d.*, and which they allege has the effect of preventing that expansion of trade which would otherwise take place if this 1*s.* 6*d.* paid in Liverpool did not prevent them entering into competition with the salt of other parts of the world, on the Continent, in North America, the United States of America, the large rivers of the Mississippi and Missouri, and other places to which the salt of this district goes.

1169. Have you anything to state of your own knowledge, not as the representative of anybody, but as a witness?—I do not propose to state anything to the Committee that is not within my own knowledge. I was going to state what are the grievances complained of; I will now mention merely that the shipowners of Liverpool complain of the exclusive privileges which a freeman of Liverpool enjoys in paying no town dues whatever.

1170. Can you inform the Committee where the Weaver navigation dues are levied?—The Weaver dues are levied in this way. On the delivery of the salt in Liverpool, the merchant pays for it 3*s.*

1171. Which merchant?—The merchant who buys it; 2*s.* of which is river freight, and 1*s.* of which is Weaver due.

1172. Who does he pay the money to?—To the captain of the flat.

1173. Has the due been paid?—It will be shown in evidence that at that time the due has not been paid; but I have no knowledge of that.

1174. You do not know where the due is paid?—I do not know of my own knowledge.

1175. Do you know what the vessels are in which the salt is carried down the Weaver to Liverpool; is it carried in the same vessel all the way?—It is carried in the same vessel.

1176. What is the vessel?—The technical term for it is a flat; but I believe, although I do not know it of my own knowledge, that there are schooners and other vessels that go more from Northwich to the Irish fisheries and elsewhere that do not stop at Liverpool at all.

1177. Mr. *Moffatt.*] Do you know where the Weaver dues are paid in the two last cases you have named?—That would depend upon who shipped.

William Worthington, Esq., called in; and Examined.

W. Worthington, Esq.

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1178. *Chairman.*] YOU are a Salt Manufacturer, I believe?—I am proprietor of salt works and salt mines.

1179. Will you be so good as to tell the Committee where the dues that are levied upon the flats are paid?—They are paid to the clerk, or rather the treasurer of the river Weaver, at Northwich.

1180. That is high up in the navigation of the river, is it not?—About the centre of the navigation.

1181. Is any part paid in the Port of Liverpool?—No; occasionally the captain of the vessel taking the salt to Liverpool pays the dues himself, and then goes down to Liverpool with that salt.

1182. Mr. *Hardy.*] And gets it repaid in Liverpool?—Yes.

1183. *Chairman.*] Do you know whether the Weaver is within the port of Liverpool?—I do not know.

1184. Mr. *Horsfall.*] Or any part of the Weaver navigation?—I do not know how far the port of Liverpool extends; it is well known the river Weaver ends at Weston Point; I should say not; it is a tidal river.

Frederick Shepherd Hull, Esq., called in; and further Examined.

F. S. Hull, Esq.

1185. *Chairman.*] IT is suggested that you can give some evidence as to the river Weaver being or not being within the port of Liverpool?—The port of Liverpool extends from the mouth of the Dee on the one side to the mouth of the Ribble on the other, all up the estuary of the Mersey, as far as Frodsham Bridge, which is on the Weaver, and as far as Warrington Bridge, which is on the Mersey, therefore the port of Liverpool extends for something like a mile or a mile and a half up the river Weaver; and besides that the Weaver Navigation have got a canal cut, which terminates on the edge of Weston Point, on the estuary itself, where they have got a tidal basin, a lighthouse, and a dockmaster appointed to take charge of the whole.

1186. Is Northwich on that part of the Weaver that is within the port of Liverpool?—Northwich is not on that part of the Weaver which is within the port of Liverpool.

1187. Mr. *Headlam.*] There is a part of the river Weaver which is within the port of Liverpool?—There is a part of the river Weaver which is within the port of Liverpool.

1188. How are the limits of the port defined by the Act of Parliament?—The limits are mentioned in the first Liverpool Dock Act, and are described in this way, "which port extends from the Red Sandstones to the mouth of the Dee, and to the Douglas River, at the mouth of the Ribble, and all up the waters of Mersey to Frodsham Bridge," which is a bridge on the Weaver, and Warrington Bridge, which is a bridge on the Mersey.

1189. Are any of those dues incident to the river Weaver navigation, levied on that part of the river which is within the port of Liverpool?—No; except so far as they are paid by merchants in Liverpool to the flatmen, which the flatmen take back.

1190. Are those duties which are paid in the manner you describe, paid in respect of the navigation of the Weaver within the port of Liverpool?—I cannot say that.

1191. Mr. *Horsfall.*] The dues are paid in right of the navigation of the river Weaver, are they not?—They are.

1192. Consequently if salt passes down that portion of the river Weaver which is in the port of Liverpool, dues must be levied on account of that portion of the river Weaver which is in the port of Liverpool?—It may be a question where the actual conflict of the salt water of the estuary takes place with the brackish water of the river; I never heard of any case arising of the toll being collected in the brackish water.

1193. Mr. *Hardy.*] Are what you call flats seagoing vessels?—A flat is a seagoing vessel to some extent.

1194. Are they regular seagoing ships; would you call them ships?—I call them ships, using the word ship as a generic term.

1195. Are they ships, using the word ship as a specific term?—A ship, properly speaking,

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speaking, is a vessel that has a square sail on every mast; if she has not a square sail on the mizen, she is a bark, and so on; a ship is properly a vessel which has three masts square-rigged; but there are schooners and other seagoing vessels loaded at Northwich, which come down the water of the Mersey and pass the town, and go away to Ireland and other places. I believe you will have evidence to that effect. I believe you will find that to be the fact; all that I mentioned about the tidal basin, the lighthouse, and the dockmaster, which are certainly not terms applicable to a canal, are on the face of their own Act of Parliament.

1196. Mr. *Vance.*] Are the vessels navigating the Weaver what are called seagoing vessels?—There are vessels navigating the Weaver which are seagoing vessels; but the majority of vessels navigating the Weaver only come down to the town of Liverpool, and are flats; but there are also other seagoing vessels which are schooners, which do pass the town of Liverpool and go over the Irish sea.

1197. On which local dues are levied?—On which town due is levied, although it only passes the town.

1198. Mr. *Headlam.*] Upon which the Weaver dues are levied also?—Both Weaver dues and town dues, although they only sail out with the tide, and are gone.

William Shuttleworth, Esq., called in; and Examined.

W. Shuttleworth, Esq.

1199. *Chairman.*] YOU have heard the evidence of the last Witness; do you concur in it?—I concur in his evidence as to the extent of the limits of the port of Liverpool.

1200. Then Northwich is not within the port of Liverpool?—No; the port of Liverpool extends up to Frodsham Bridge, which is a bridge upon the Weaver.

1201. Mr. *Horsfall.*] How much of the river Weaver is within the port of Liverpool?—I do not know the distance exactly, but the river between Weston Point and Frodsham Bridge is upwards of a mile or a mile and a half.

1202. A certain portion is within the port?—Yes, that portion is within the port of Liverpool; Mr. Hull reminds me that Weston Point itself is within the limits of the port.

Lunæ, 5° die Maii, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Lord Hotham.
Mr. Hardy.	Mr. Duncan.
Mr. Horsfall.	Mr. Watson.
Mr. Milner Gibson.	Mr. Headlam.
Sir John Duckworth.	Mr. Fenwick.
Mr. Bouverie.	Mr. Moffatt.
Sir Stafford Northcote.	Mr. Vance.

THE RIGHT HON. ROBERT LOWE, IN THE CHAIR.

William Worthington, Esq., called in; and further Examined.

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1203. *Chairman.*] I UNDERSTAND that you wish to correct some part of the evidence which you gave the other day?—I should be very glad to have permission of the Committee to correct an error which I made in my reply to a question which was put to me. I was asked whether the terminus of the River Weaver was within the limits of the Port of Liverpool; I replied that I believed it was not; I have since ascertained by a document, which has been put into my hand, that not only the terminus, but the whole of the navigable part of the River Weaver

Weaver is within the Port of Liverpool. I beg to hand in this document, which is a Treasury Warrant under the Customs Amendment Act, 9 & 10 Vict. c. 102. *W. Worthington*, Esq.

5 May 1856.

[*The same was delivered in, and read as follows:*]

"Gazette, 16th April 1850. We, the undersigned Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, do hereby, under the authority of an Act passed in the Session of Parliament holden in the 9th and 10th years of Her Majesty Queen Victoria, intituled, 'An Act to amend the Laws relating to the Customs,' declare that from and after the 5th day of April instant the Port of Runcorn shall be no longer a port, and we do hereby, under the authority of the said recited Act, declare that from and after the 5th day of April instant the limits of the Port of Liverpool shall be as follows; that is to say, such limits shall commence at the termination of the Port of Chester, being the place called the Redstones at Hoylake, on the point of Wirrall, and so along the coast of Cheshire into the River Mersey, and all over the Rivers Mersey, Irwell and Weaver, and thence returning along the coast of Lancashire till it meets the termination of the Port of Fleetwood at a place called the Hundred End Water. And the said Lords Commissioners do hereby annul all former limits of the said Port of Liverpool.

Whitehall, Treasury Chambers, 12th day of April 1850. (signed) *W. Gibson Craig.* *H. Rich.*

1204. What construction do you put upon that?—That the whole navigable part of the River Weaver is within the limits of the Port of Liverpool.

1205. Why do you limit it to the navigable part?—I did not suppose that the Port of Liverpool had anything to do with the source of the River Weaver; they could not claim that power until they had something to do with it, if it became navigable higher up hereafter.

1206. Mr. *Hardy.*] Have you referred to this Act of Parliament?—No, I have not.

1207. Perhaps you are not aware that this is not within the terms of the Act of Parliament?—I am perfectly in error if I supposed it was not a correct copy.

1208. It is a correct copy, but it is not signed by a sufficient number to comply with the Act of Parliament?—I do not know.

1209. Mr. *Horsfall.*] Do I understand you to say that that document has been published officially?—I do not know of my own knowledge.

1210. *Chairman.*] Have you any complaint against the Liverpool town dues?—Yes, and also against the Weaver dues, both as a manufacturer and as an exporter of salt.

1211. What is your complaint against the Liverpool town dues?—I have very often loaded sea-going vessels on the Weaver and sent them to Ulverstone, Umlwch, Prestatyn, Bagilt, Dublin, and elsewhere, on which the town dues have been charged, although these vessels have sailed straight away out of the Mersey without coming to an anchor, a list of which to a considerable extent I can hand in in confirmation (*handing in the same*). The whole of these ships come from my own works, in which I am interested; many of such vessels are engaged constantly in carrying salt from the works near Northwich belonging to other persons, and occasionally bringing back cargoes of timber and other goods to Northwich, and also taking corn to distant ports on the coasts. *Vide* Appendix.

1212. Do all those pay?—They do, and a far greater number of cargoes are shipped by other people than I have shipped, of which I have no account.

1213. Do you send salt to Liverpool itself for consumption in Liverpool?—A small quantity only for consumption.

1214. Does that pay town dues?—No.

1215. Do you know how that is?—I imagine it does not go out of the port; it comes in, and does not go outwards; if any of that salt is warehoused in Liverpool for a short period, and then is sent to the West Indies, it would on reshipment pay the town dues.

1216. If consumed in Liverpool it does not pay town dues?—No.

1217. Does that apply to all articles, do you know, which are brought inland to Liverpool?—I am not aware.

1218. What sort of vessels are those that you loaded at Northwich, and sent to Dublin and other places?—Schooners; with the same rigging that they carry out at sea they come up the River Weaver; they go to every port of Ireland, and to every part of the north coast of Great Britain, and to some parts of the coast in other places, Wales particularly; they are, in every sense of the word, sea-going vessels.

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1219. With what burden can a ship get up to Northwich?—One hundred and twenty tons.

1220. Is the salt manufacture exposed to much competition?—To very great competition.

1221. What are the principal competitors?—The parties residing at Droitwich in Worcestershire, and those who have salt works on the railway, and those who have salt works on the Trent and Mersey.

1222. What do you call the saltworks on the railway?—On the London and North Western Railway.

1223. In Cheshire?—Yes, and on the Trent and Mersey Canal in Cheshire. The saltworks on the two lines, viz., of railway and Trent and Mersey, can get their fuel, by which the salt is made, 9*d.* or 10*d.* a ton less than those saltworks which have not the advantage of that communication.

1224. Has there been any considerable reduction in the price of the carriage of salt inland?—There has been a very considerable reduction.

1225. Have you anything to state about that in figures?—The canal charges were formerly from Marston 59 miles on the canal from the Trent and Mersey, to the different canals leading to the Port of London. I wish, previous to stating this, to mention the competition which we experience by canals against the coastwise trade. I formerly sent a very large quantity of salt coastwise to most parts of the United Kingdom where there are ports, and also to the Scotch fisheries, and to Ireland; that trade has been very much diminished, and as far as regards the Port of London, to which I formerly sent a considerable quantity, I do not now send any in consequence of the reduction in the canals, by which the salt going coastwise is opposed, and there having been no reduction in the River Weaver canal or the town dues of Liverpool. With your permission, I will hand in a statement of the different charges, what they were a few years ago, and what they are now (*handing in the same*).

Vide Appendix.

1226. Mr. *Horsfall.*] Can you put in a statement of the relative price of salt at the two periods?—I cannot; but the price has fluctuated very much since those periods. It has been higher than it is now; I do not think it ever was much lower.

1227. So that, in fact, the price of salt is at least from 25 to 30 per cent. lower than it was at the period to which you refer?—I should think it was.

1228. *Chairman.*] Can you state what is the general effect of those reductions; at what rate can salt be carried to London by railway; you mentioned some works on the railway?—The charge by railway from Droitwich to London, including power to Camden Town, is 6*s.* 8*d.* per ton; to the Poplar Station, that is, the West India Docks, it is 8*s.* 3*d.*

1229. There are saltworks in Cheshire, near the railway, are not there?—There are. I am not able to give evidence of that; my works are not on a railway, very unfortunately for me.

1230. By the Trent and Mersey?—By the Trent and Mersey from Marston, 59 miles on the Trent and Mersey; the tonnage upon that was once 3*s.* 8*d.*, it is now 2*s.* 5½*d.* By the Coventry Junction, 5½ miles, 1¼*d.*; it was always the same; 5½ miles on the Birmingham, 5½*d.* still; 22½ miles on the Coventry 5½*d.*, and is 5½*d.* still. On the Oxford it was formerly 1*s.* 8*d.*, now it is only 10*d.* On the Grand Junction Canal it was formerly 4*s.* 2½*d.*, it is now only 1*s.* 6*d.*; and on the Regent's Canal it was formerly as now, 3*d.*, making altogether 10*s.* 9¾*d.*, formerly, whereas it is now 6*s.* 0¾*d.*, making a difference of 4*s.* 9*d.*, which is a reduction of nearly 50 per cent.

1231. Mr. *Horsfall.*] Can you give us the relative price charged for carriage to London and to Liverpool, from your works?—The sea freight would be about 10*s.* to London. I cannot possibly send any salt by those canals.

1232. *Chairman.*] Can you send it by sea?—I can send it by sea.

1233. What would be the freight?—The freight by sea would be 10*s.*

1234. That would include the town dues?—No; the River Weaver dues and other charges would make it 13*s.* 3*d.*; but I have also to complain of some other charges in London relative to shipping.

1235. That would be 13*s.* 3*d.* from Northwich to London?—Yes, with the addition of 1*s.* 3*d.* for the fellowship porters in London.

1236. So that that makes altogether 14*s.* 9*d.*?—Yes. I should be happy to be allowed to state the particulars of the other tolls on the Droitwich Canal. My object

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object is to show that the coasting trade, which is a desirable nursery for seamen, is interfered with very much by the reductions which have been made in the canals, whereas there has been no reduction in the charges on the sea-going salt. From Droitwich it is conveyed to London by canal, 14 miles; Worcester and Birmingham, formerly 1*s.* 6*d.*, now only 6*d.*; Stratford, 8*d.* formerly, now 4*d.*; Warwick and Birmingham, 1*s.* formerly, now 3*d.*; Warwick and Knapton, 1*s.* formerly, now 4½*d.*; Oxford, 1*s.* formerly, now 5*d.*; the Grand Junction, formerly 4*s.* 2½*d.*, now 1*s.* 6*d.*; Regent's Canal, formerly 6*d.*, now 3*d.*; the former charge was 9*s.* 10½*d.*, it is now 3*s.* 7½*d.* per ton, leaving a difference of 6*s.* 3*d.*, being a reduction of 200 per cent. on the original charge.

1237. Do you get anything for your payment of town dues?—No, I do not. May I be allowed to make a remark, that this charge of 2*s.* 6*d.* a ton is charged for the use of the Weaver and for the broad waters of sea, whilst 3*s.* 7½*d.* only is charged as interest on the heavy canal works of the interior for 160 miles, and traffic is thus diverted from its natural channel.

1238. Mr. *Watson.*] What do you call the natural channel?—The open sea.

1239. Mr. *Horsfall.*] The opening of these canals has induced a considerable quantity of salt to go by railway?—Yes; they have reduced their tonnage by way of forcing the salt upon the line of canals and railways; they have every one of them reduced in the most wonderful manner.

1240. Consequently there has been a great deal of competition in the salt trade?—I believe the railway companies were the people who began the competition, and then the canal people tried whether they could do it the cheapest, and the prices I have handed in are what they charge this very day.

1241. By which the public benefit?—By which the public benefit. Of course I complain that the River Weaver trustees and the Corporation of Liverpool have not, in the spirit of supporting their old friends, come forward and reduced their charges as their competitors have reduced. If they had given us the same protection as the railway and canals have given to the public, we should have been more able to compete with our rivals in the salt trade.

1242. *Chairman.*] Have you anything to say about coals?—Yes, I have; and I fancy that I may claim the privilege of being heard on the score of the coasting vessels bringing coals back, which they do not very often do; there is one vessel belonging to the Port of Southampton, and as the person who is part owner of that vessel is also part owner of a colliery in which I am interested, and is also part owner in salt works in which I am interested, he naturally wishes so to employ this vessel when not going coastwise. She is a regular sea-going sloop, and she occasionally brings coals from our own colliery, and discharges them to our own salt works, and is, in bringing those coals up, taxed 8*d.* per ton upon the coal. The coal is all consumed in making salt, and the salt is again taxed in going by the same vessel down the river in the shape of salt, making the whole tax on the salt 1*s.* and 4½*d.* on the coal. There is not as great a proportion of coal used as salt is made; perhaps about 12 cwt. of coals will make a ton of salt.

1243. Is the 8*d.* a town due?—The 8*d.* is the maximum toll.

1244. Is that charged by the Liverpool Corporation, or is it a Weaver Navigation due?—It is a Weaver due.

1245. Mr. *Horsfall.*] What is the 8*d.* charged for?—For the transit by sea-going vessels of coal up the River Weaver.

1246. *Chairman.*] There is no charge of town dues on coals?—No.

1247. Mr. *Watson.*] This is a Weaver due entirely, is it not?—Yes.

1248. In your transactions from Liverpool to Ulverstone by sloops, and by other vessels carrying salt, how much charge was there for Liverpool town dues?—Threepence per ton.

1249. All the other things were payments for Weaver dues and other matters?—Yes.

1250. How much was the Weaver due?—One shilling a ton.

1251. Which do you complain of most, paying the 1 s. or 3 *d.*?—I am not much of an arithmetician, but I would rather have twelve than three, whatever they are.

1252. Mr. *Headlam.*] Do you think inland duties and sea-port charges are grievances of a similar description?—They are so; it is more the extent I complain of than require their abolition.

1253. *Chairman.*] Why do you consider the Weaver dues and the Liverpool dues grievances of a similar description?—Because they both attach to the export of salt coastwise.

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1254. Mr. *Horsfall.*] And of course enhance the price of the article?—Of course they enhance the price of the article, and give us less power of competing with the railways and canals. As a proof of that, I can state that I have lost nearly the whole of the trade to the different fish-going towns, as Exeter for one, and Yarmouth for another; the same will bear upon all parts of the United Kingdom except to Ireland, and to Scotland, where they cannot get a canal or a railway; to those places as much is shipped as formerly. To Newcastle-upon-Tyne the shipments have been very large formerly, but now they are sent considerably more by railway. I consider the tax of 1*s.*, the Weaver due, and 3*d.* upon the salt, to enhance the value of the salt in every part of the United Kingdom, in every part of Ireland, and in every part of Scotland, and it affects consequently very much the fishery trade and the arts and sciences, in which a considerable quantity of salt is consumed at Newcastle and Glasgow, and many other places.

1255. I suppose you are aware that there has been a considerable, and I may say, an enormous increase in the export of salt from Liverpool latterly?—There has been, but there has always been a great export of salt from other places, the Port of Hull and the Port of Gloucester.

1256. Can you state the export of the last year from Liverpool?—I should think (I speak merely from hearsay), about 600,000 tons.

1257. Can you mention any other port which has an amount of export at all equal to that?—No, I cannot.

1258. Or any other port which has increased in the same ratio in the export of salt?—The Port of Hull has increased in a greater ratio, and the Port of Gloucester also; there were periods when they did not export any.

1259. That is owing, I presume, to the opening of canals and railways?—It must, of necessity, be owing to that circumstance.

1260. *Chairman.*] Have you any complaint to make of the privileges of the freemen of Liverpool?—I am in the habit of exporting salt occasionally on my own account, for which I am charged dues of 6*d.* The freemen who export in competition with me are not charged any part of that 6*d.*, and they have it in their power very frequently to buy salt from other manufacturers, and obtain a profit in the foreign market when I cannot; the profit very frequently not being 6*d.*

1261. Mr. *Horsfall.*] What market do you refer to where the profit is not 6*d.* a ton?—New York, and different ports of the United States.

1262. *Chairman.*] Is the salt manufacture on the Weaver in an increasing or declining state?—It is in an increasing state, but all the new works that have been erected for the last few years, have been placed so as to get their coal either by railway, or by the Trent and Mersey Canal; so much so, that a work erected only a few years ago has within the last few weeks been pulled down, and the materials sold by auction.

1263. Where was this work?—It was situated on the River Weaver, which had no other means of obtaining coal except by the River Weaver; had that work been placed on the railway instead of the Weaver Canal, the landowner would have had no difficulty in obtaining a tenant for it.

1264. Mr. *Horsfall.*] Where did that coal come from?—From the very same collieries as my own works are supplied from.

1265. Where is that?—Part from Leigh, near Wigan, and the other from St. Helen's; they can come from St. Helen's by railway to Winsford for 2*s.* per ton.

1266. Upon which there is no Liverpool town due?—I am not speaking of town dues upon them; there are no town dues upon coal at all; the cost of transit of coal from the same colliery to works in the same locality, to Winsford, the railway tonnage to Widness Dock is 1*s.*; the River Weaver tonnage 8*d.*; flatmen's freight 8*d.*, and flatowners' freight 5*d.*; together 2*s.* 9*d.*; making a difference of 9*d.* in the cost of the transit of coal from St. Helens to Winsford. The dues by the Bridgwater Canal were formerly 2*s.* 6*d.*; they are now reduced to 6*d.*; by the Trent and Mersey Canal they were formerly 6*d.*, and they are now reduced to 4*d.*; the dues were formerly 3*s.*, they are now 10*d.*; the boatman's freight was formerly 1*s.* and the owner's freight 4*d.*; making altogether a charge of 2*s.* 2*d.* for transit by the River Weaver of coal from the same colliery, from Leigh to Anderton. By the Duke of Bridgwater's Canal 6*d.*, by the River Weaver 8*d.*, the boatman's freight 1*s.* 4*d.*, and the boatowner's freight 6*d.*; making

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making together 3*s.*; the difference is 10*d.*; thus showing that the transit of coal costs more by 10*d.* per ton by the River Mersey and the Weaver than by the opposing canals, and 9*d.* a ton more than by railway.* This would be less a grievance if I could bring my coal by a rival conveyance, but unfortunately I and many others cannot avail ourselves of it, by reason of our locality, although our competitors' works are situated within 100 or 200 yards of our own.

* *Vide* Appendix.

1267. Mr. *Watson.*] What has that to do with the Liverpool dues?—Nothing, excepting as it affects the price of the salt.

1268. You pay no due for coal?—We do not; I was asked to account for the increase of the works, and I mentioned that there has been no increase on the Weaver, but an increase on the other canals and railways; this is the cause why the trade has been drawn from the Weaver, and the River Weaver is a branch, I contend, of the coasting trade of Liverpool.

1269. *Chairman.*] Do you consider that Liverpool is benefited much by the salt manufacture of Cheshire?—I consider it very materially benefited.

1270. How is that?—Inasmuch as the owner of a vessel in any part of the world, when deliberating where he shall send his vessel to, is mainly influenced in selecting Liverpool by the fact, that he is sure of obtaining a return cargo of salt, and the salt is saleable in any part to which the vessel may wish to return; and it is also well known that salt is very frequently put on board as ballast, being the cheapest article that can be procured for that purpose; it is almost universally taken as return cargo. Vessels seldom or ever come in ballast for salt, but they take it as a return cargo after bringing raw material from other countries to Liverpool; I suppose that salt was the very first article that was exported from the port of Liverpool; it may be considered the first parent to the export trade of Liverpool, long before any coal was exported.

1271. Mr. *Watson.*] You have complained of the loss of shipping; do you send salt yourself to London by railway?—No, I do not; unfortunately I cannot; my works, from their locality, are shut out.

1272. Do you send it by canal?—I do not, excepting now and then: five or six tons of a peculiar sort is sent for the use of the Navy, as packing salt, when they are obliged to have it quickly.

1273. Do a large number of owners of salt-works send by railway or canal to London?—Not from Cheshire.

1274. They send entirely by sea?—I do not send any to London.

1275. Did you formerly send any to London?—Very large quantities; more than anybody else; I supplied a great portion of the city of London, formerly.

1276. You find a market now elsewhere?—I do.

1277. Has your salt trade increased or decreased?—Increased.

1278. Considerably?—Not considerably.

1279. It has increased?—Yes

1280. You have said that to Newcastle, as I understood you, they send salt by railway; or how is it sent to Newcastle?—Partially by railway and partially by canal, I imagine.

1281. Does that come from Cheshire?—It does.

1282. Did it formerly go by ship from Cheshire, out of the port of Liverpool, to Newcastle?—It did.

1283. It now goes by the natural course, instead of making the circuit of half England?—Yes.

1284. Salt is a heavy cargo, is it not?—Yes, of course.

1285. Subject to a number of sea risks?—Undoubtedly.

1286. It is now carried cheaper and safer and better to Newcastle by railway or canal?—I suppose it must be, or they would not send it.

1287. Now there is an export of salt from Hull; where do they get the salt at Hull, which they export to foreign parts?—Part from Cheshire, by railway and canal, and part from Droitwich, by the same conveyances, or at least by similar conveyances.

1288. What you complain of is, that it does not go round the Land's End, or the north of Scotland, to Hull, and then go from Hull elsewhere; it now goes across the country to Hull, and makes a short passage across to the Continent?—Yes.

1289. Instead of making a long passage either north about or south about to go to that foreign country?—Yes.

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1290. I suppose that is a great advantage both to the manufacturer, the public, and everybody?—It is an advantage to the port of Hull to have two strings to their bow, undoubtedly.

1291. Is it not an advantage to the exporter, and everybody, to have a short land passage, instead of a very long passage?—Of course it is.

1292. Mr. *Vance.*] Do you send salt to Dublin?—I have done so.

1293. Have you found the shipping dues there a burthen or grievance?—I never had to pay them; the owner has done that.

1294. You do not know how they stand at Dublin?—I do not.

Mr. *George Morrisey*, called in; and Examined.

Mr. G. Morrisey.

1295. *Chairman.*] WHERE do you reside?—In St. John's, New Brunswick.

1296. To what firm do you belong?—Morrisey & Chives.

1297. What is your business?—Connected with the manufacture of lumber, deals, and so on.

1298. You mean that you export lumber; you do not manufacture it, do you?—Some we cut ourselves, as well as buy from other people.

1299. You have saw mills, I presume?—We have two.

1300. Has your observation been attracted to the Liverpool town dues?—It has.

1301. In what way?—I could not understand why that tax was put on at the time; we had always observed in the account sales of lumber shipped, that we were charged for town dues; I have never been able to understand yet why it was that it was put there.

1302. You send your lumber to Liverpool?—Yes.

1303. Entirely?—Some we send to London.

1304. What is the tax that is levied on your lumber for town dues?—About 8 *d.* a load upon deals, and 6 *d.* a load upon timber; 1 *s.* for 120 pieces, which amounts to about 8 *d.* a load.

1305. Why cannot you understand the payment of these town dues?—There are the dock charges always placed in the account sales of the timber and deals; that I can very well understand, because we use the docks, and space is occupied when those deals are discharged out of the ships; but the town dues I cannot understand, because we get no value for them that I can see.

1306. What amount of town dues does your firm pay every year?—Last year we paid upwards of 200 *l.*

1307. Can you state what is paid by the imports from New Brunswick into Liverpool?—I think it amounts to something over 4,000 *l.*

1308. Can you state how you make that out; what is the import into Liverpool exported from New Brunswick?—The last year there were about 50,000 loads of timber; 66,000 standards of deals.

1309. What is a standard?—One thousand nine hundred and eighty superficial feet.

1310. Have you calculated what the town dues would be upon the total imports?—They amount to something like 4,000 *l.*; a little over, I think.

1311. Are you aware whether the subject of the Liverpool town dues has attracted attention in St. John's, New Brunswick?—It has attracted attention in this way; people have generally grumbled at it pretty much there; like myself, they could not understand the meaning of the charge.

1312. Have you any observation to make with respect to the privilege enjoyed by the freemen of Liverpool?—I believe the freemen are exempt from the tax, at least I have been told so since I have been in Liverpool.

1313. What proportion does the tax bear to the value of the article to which it is attached?—It is about 2 ½ per cent. upon the invoice cost at St. John's.

1314. Do you know what is paid upon cotton?—I think something like 2 *d.* a bale.

1315. What is the value of a bale of cotton?—About 10 *l.*; I should think it is very small in comparison to what the deals pay.

1316. Have you anything to do with the salt trade?—Frequently our ships in returning from Liverpool ballast with salt and coals, and then we have to pay town dues upon that again.

1317. What is the town due you pay upon that?—Sixpence.

1318. You pay as a foreign country, do you?—Yes.

1319. Have

1319. Have you any opinion to offer as to the landing-stage which is about to be built at Liverpool?—Not particularly; I cannot see where we will be benefited by it; not the colonial ships.

1320. How is that?—It would be no benefit to the colonial ships; they would not require to go there.

1321. Have you ever had to send for chains and anchors and cordage?—Yes, very often; we have to pay town dues upon them likewise.

1322. Do you see any hardship in them?—I do; I think that the town rates ought to be borne by the persons who get the commission for doing our business, and they ought not to tax the colony with them.

1323. The people who sell the anchors and cordage, you mean?—Yes.

1324. Who is your agent in Liverpool?—Fernie Brothers & Company.

1325. Have you anything else you wish to state?—Nothing further than that I think the tax is an unreasonable one, inasmuch as we can receive no benefit from it whatever.

1326. Mr. *Horsfall.*] Can you state to the Committee the relative aggregate charges on lumber imported into Liverpool and London respectively?—London I am not so conversant with as Liverpool.

1327. You are not prepared to say that the charges in London are not greater than the charges in Liverpool?—The difference is very slight indeed.

1328. Mr. *Headlam.*] With respect to imports into the United States; in going into New York, are the charges greater or less than in going into Liverpool?—They vary very much; in some places they are very light, in others very high; some are higher than Liverpool, some lower; for instance, Boston they are very cheap, and in New Orleans and Mobile the charges are very high.

1329. With respect to salt: when you take back a cargo of salt, do you pay town dues?—Yes.

1330. The exporter of the salt does not pay?—Not that I am aware of; we have in all cases to pay it.

1331. *Chairman.*] Is there any other salt brought to New Brunswick except the Cheshire salt?—Sometimes we get it from Gloucester.

1332. You do not get any from America at all?—No; there is some Turk's Island salt.

1333. Do you ever get it from Turk's Island?—Yes.

1334. Is there much competition between Turk's Island salt and Cheshire salt in New Brunswick?—No; Turk's Island salt is used for a different purpose than the Liverpool salt.

1335. Are you aware that salt is made in Syracuse?—Yes.

1336. Does that salt come to you?—No; the Liverpool salt we use principally; the quantity of Turk's Island salt imported is trifling.

1337. You do not use Portuguese salt?—No.

1338. Mr. *Watson.*] Do you ever purchase cargoes of salt free on board from the freemen of Liverpool?—No.

1339. Mr. *Duncan.*] You say instead of taking ballast you take salt or coal, and you say 6 *d.* per ton is paid upon salt; what is paid upon coal?—Two-pence per ton, I think.

1340. Mr. *Bouverie.*] Can you state the total charges that you pay upon a load of timber in Liverpool?—I could not; the total charges upon a standard of deals is something like 20 *s.*; that includes the duty, commissions, and everything else.

1341. Mr. *Horsfall.*] What are the charges in London?—I think for the same quantity about 22 *s.* 6 *d.*

1342. Then you pay 2 *s.* 6 *d.* more in London than in Liverpool?—I think the landing charges are more in London than in Liverpool.

1343. Mr. *Vance.*] You speak of the landing-stage being no possible benefit to the people in New Brunswick; have you no passenger vessel trading between New Brunswick and Liverpool?—Yes, there is a line of packets running.

1344. Will not the packets land their passengers at that stage?—No; our ships would prefer taking passengers on board in the dock previous to leaving the dock.

1345. Will not the packets use the landing-stage on arrival?—Very few passengers come from St. John's; the vessels going out principally get all the passengers.

1346. Have you a line of steamers between St. John's and Liverpool?—No.

1347. Is it contemplated to have any?—It was contemplated two or three

Mr. *G. Morrisey.*

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years since; but the person who started the line has sold the boats and abandoned it.

1348. Do you think the passengers returning would be content to be taken to the docks; would not they insist upon being landed at the landing-stage?—The number, perhaps, in the course of the year, would not exceed 50 coming back, and they generally take them in the tug-boat; the tug-boat that tows the vessels takes the passengers ashore.

1349. They would exceed 50 if you had the line of steamers that is contemplated, would not they?—Yes, they would then.

1350. Mr. *Watson.*] Is your trade on the increase or decrease from New Brunswick?—It has increased lately; for four or five years past it has been the same; it has not varied much.

1351. I suppose you have port dues in New Brunswick and Nova Scotia?—Nothing but the provincial revenue tax; no other charge.

1352. You have a revenue tax imposed upon the goods?—Upon all imports for the purpose of revenue; nothing else.

1353. Do your passengers come by steam-boats from Halifax?—Yes.

1354. The principal part of the passengers come that way?—Yes.

1355. Mr. *Bouverie.*] Do you export lumber to any other ports in the United Kingdom, except London and Liverpool, generally?—The principal part goes to Liverpool.

1356. Not to Glasgow?—I have not sent any to Glasgow for the last two years.

Mr. *Henry Fernie*, called in; and Examined.

Mr. *Henry Fernie.*

1357. *Chairman.*] YOU are a Merchant at Liverpool?—I am a member of the firm of Fernie, Brothers.

1358. What is your business?—Commission merchants, connected considerably with St. John's.

1359. You are the gentleman mentioned by the last witness as being his agent?—Yes, I am one of that firm.

1360. Are you employed for other shippers of deals in New Brunswick?—A good number.

1361. Can you state what amount of town dues the colony pays; what do you pay yourself, as their agent?—Last year we paid 1,250 *l.* inwards on lumbers, and 250 *l.* outwards upon salt and outfits of various kinds on account of those gentlemen; 1,500 *l.* in all.

1362. Can you form any estimate of the whole amount that is paid?—It must exceed over 4,000 *l.*

1363. Mr. *Horsfall.*] Is there any of that on your own account?—That is all paid on account of importers on the other side.

1364. It does not fall upon you individually?—No.

1365. It is charged to the respective accounts of the shippers in New Brunswick?—Yes.

1366. Mr. *Headlam.*] Were you ever influenced with respect to the destination of a cargo by the Liverpool town dues?—We have no choice; the cargoes have, in every instance, been consigned to us from the other side.

1367. Did you ever know such a case?—I did not.

1368. *Chairman.*] People who wanted to avoid Liverpool town dues, I presume, would not come to you to ship their goods?—No.

1369. Mr. *Horsfall.*] I presume you are aware of the fact stated by the last witness, that the general port charges in London upon the import of timber are higher than in Liverpool?—I am aware of that, but it arises partly from the discharge in the docks in London; the business is entirely in the hands of the dock companies. We have not so much control over them as we have in Liverpool; that is one principal reason that the different charges exist.

1370. Still they do exist?—Yes.

1371. Mr. *Bouverie.*] Do you discharge your own vessels in Liverpool?—We employ a master lumper who does that.

1372. It is not done by the dock trustees?—No; it is done at considerably less cost than in London.

1373. Sir *J. Duckworth.*] You heard the last witness state that he had not imported timber, except at Liverpool and London, for the last two years?—I know that of my own knowledge, as his agent in this country.

1374. Having, as I understood him, previously imported into other ports?— I believe that he has occasionally imported timber into Glasgow, and one or two other ports. Mr. *Henry Fernie.* 5 May 1856.

1375. Therefore you would infer, that notwithstanding the difference in the charges, he prefers the port of Liverpool to others?—The main reason for that has been, that since the trade has been thrown open to America the ships have crowded to St. John's for cargoes, and they prefer Liverpool, and have always taken the cargoes to Liverpool at a lower rate of freight, depending upon an outward freight back again by their own ships at Liverpool, which is considered an outward shipping port, more so than any other port in the kingdom.

1376. Sir *S. Northcote.*] Why should they prefer Liverpool?—From the abundance of salt, coal and iron, and the general facility for shipping; there is no doubt that is one cause for it; no other port has the same amount of outward cargo, and the American ships are always able to obtain outward cargoes.

1377. Then the maintenance of a large port at Liverpool is of great importance to the trade of all that part of the country, by attracting trade there?—I should think it was of more importance to people living at Liverpool itself to give such facilities as would attract trade there than any others, because I believe Liverpool has, from its increasing importance, attracted trade from other ports.

1378. If the attractions of Liverpool are such as to induce Americans to bring their goods there at lower rates of freight than elsewhere, those attractions are of importance to all who trade with America, are not they?—Decidedly so.

1379. *Chairman.*] Do you consider that the imposition of town dues, looking at them with reference to the town of Liverpool merely, is a measure of sound policy?—I came here to-day to corroborate the statement of our St. John's friend, not with the view of giving evidence personally on the subject.

1380. Mr. *Headlam.*] You consider the size and prosperity of Liverpool in general has the effect of attracting trade there?—No doubt its proximity to the mineral fields; salt, for instance, which is in immense demand always for the States, creates a trade of itself.

1381. Assuming it to be the fact that these town dues did in reality increase the size and the prosperity of the place in general, there they would benefit the trade, although they might be in their particular operation rather prejudicial?—I could not assume, in the first place, that the town dues would be an attraction.

1382. Mr. *Horsfall.*] I think the Committee may take for granted, from the facts you have stated, that the town dues are not so oppressive as to drive the trade from the port of Liverpool?—The trade of Liverpool, it is well known to all parties, has increased very considerably.

1383. Mr. *Bouverie.*] Has the lumber trade increased largely within the last few years?—It has increased as well.

1384. Is the lumber trade confined to New Brunswick, or does it extend to Canada?—A much larger trade exists with the Canadas.

1385. Mr. *Hardy.*] Is not one of the great objects for improving the docks for the sake of accommodating the lumber trade?—There is no doubt the trade requires more accommodation than it has at present.

1386. They are proposing to give it?—They are proposing to give it.

1387. Mr. *Duncan.*] The Committee may understand this from what you have stated, that the reason of vessels coming cheaper to Liverpool than any other port, is, that they are sure of an outward cargo of salt or coal, whereas in other ports they are not?—That is the fact, because the price of both is so small in amount, that if a convenient freight does not offer, or if the rates of freight on those articles are not sufficient, they are taken on ship's account.

Samuel Holden Blackwell, Esq., called in; and Examined.

1388. *Chairman.*] WHERE do you reside?—I reside at Dudley. *S. H. Blackwell*, Esq.

1389. Are you engaged in any business?—I am very largely engaged in the iron trade; I am the manufacturer of about 1,200 or 1,300 tons of pig iron per week, and a large manufacturer of wrought iron as well.

1390. Do you belong to any firm, or are you carrying on business alone?—I am carrying on business partly alone, under the firm of Blackwell & Company, and in conjunction with another firm, called Corbyn's Malleable Iron Company.

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1391. Do you represent any body before this Committee?—I represent, on the present occasion, the entire iron trade of the South Staffordshire district, as well as myself.

1392. How are you appointed to represent them?—I have a petition, which I hold in my hand, to the House of Commons, signed by almost every member of the iron trade; that petition has been prepared within the last two or three days; it is signed by the chairman of the trade, and, with one or two exceptions, by every firm largely engaged in the South Staffordshire district.

1393. Lord *Hotham.*] Has that petition been presented?—It has not.

1394. *Chairman.*] You are prepared, I believe, to offer to the Committee some observations on the Liverpool town dues?—I am.

1395. Will you state what you deem necessary to state upon the subject?—The first point in reference to which the Liverpool town dues act with great disadvantage upon the trade of the South Staffordshire district, is in increasing the natural disadvantages of the district from its inland position in competition with other iron districts in the foreign export trade; that export trade is almost entirely with America, and, consequently, has to be carried on through the ports either of Birkenhead or Liverpool. A charge of 6 *d.* per ton is made upon all iron which is exported from those ports; that is the first point in which the Liverpool town dues bear upon us. They also bear in another way, by increasing the cost of the raw material from which our iron is produced. Owing to the very much larger proportion of coal which exists in the South Staffordshire coal field to the iron ore we are obliged to bring, in order to keep our works employed, very large quantities of iron ore from distant sources; one of the principal sources of supply is from the red hœmatites of Lancashire and Cumberland, and those are conveyed into our district almost entirely through the ports of Ellesmere Port, Runcorn and Garston; the sum of 3 *d.* per ton is charged upon all the iron ore which passes into our district; I am not prepared to state the exact quantity of iron ore which comes up, but I should think there are nearly 200,000 tons per annum imported through those ports.

1396. That is your estimate?—Yes.

1397. What is the town due upon that iron ore?—Three-pence per ton; it would amount to about 2,500 *l.*

1398. Mr. *Bouverie.*] Is any iron ore shipped at Maryport and Whitehaven?—Iron ore is shipped at Whitehaven, but that is not the principal port; the principal port is Barrow.

1399. Mr. *Headlam.*] Does all this iron ore pay Liverpool town dues?—It all pays Liverpool town dues when it comes through Ellesmere Port, Runcorn or Garston.

1400. *Chairman.*] With respect to the export duty, have you made any calculation of what that comes to?—I believe it would come to about 5,000 *l.*

1401. How do you arrive at that sum?—I presume that about 200,000 tons are exported from Liverpool; that would be 5,000 *l.* at 6 *d.* per ton.

1402. Therefore, the whole of the South Staffordshire district pays about 7,500 *l.* in Liverpool town dues?—Yes.

1403. Mr. *Bouverie.*] Do they charge both wrought-iron and pig-iron?—I think they do; the quantity of pig-iron exported is very trifling in comparison to the export of wrought-iron. I, perhaps, may be permitted to state to the Committee, that one or two contracts which were taken for an enormous quantity of pipes in our South Staffordshire district have been removed to North Yorkshire, in consequence of the greater facilities and less expense at which they can be exported.

1404. *Chairman.*] What parts of North Yorkshire do you refer to?—Middlesbrough.

1405. They are exported from the Tees?—Yes; the iron trade is springing up with great rapidity in that district; we are looking forward to that part of the country becoming one of our most formidable competitors, so much so, that some of our largest manufacturers are removing their establishments there.

1406. Do you think the Liverpool town dues have had any effect in causing the removal of those manufactories?—To a certain extent the Liverpool town dues have had that effect, undoubtedly; everything which increases the cost of transport from our district to the port of export must, *pro tanto*, have that effect.

1407. You are placed at a natural disadvantage, in some degree, from your inland

inland position?—We are so by the position of our locality, and still more so by the Liverpool town dues.

1408. And by the disproportion of iron ore to the supply of coal?—And by the disproportion of the iron ore to the supply of coal.

1409. Being in that position you are less able to bear any additional tax?—Certainly.

1410. Mr. *Hardy.*] Is it not the case that iron ore at Middlesborough is procured at very little cost; is it not almost on the surface?—Yes; there are very large contracts for the delivery of ore at the furnace, at 3 *s.* per ton, whereas the price in the South Staffordshire district averages from 15 *s.* to 20 *s.*, according to the quality.

1411. What proportion does the 3 *d.* per ton town dues bear to the value of the Cumberland ores?—The Cumberland ore would vary according to the state of trade, from 11 *s.* to 15 *s.* a ton at the port at which that town due is charged.

1412. At Runcorn, for instance?—Yes.

1413. What would be the whole price?—From about 11 *s.* to 13 *s.* or 14 *s.*

1414. *Chairman.*] What would the price be at the pit's mouth?—The price at the pit's mouth would be about 10 *s.* 6 *d.*

1415. Lord *Hotham.*] Has not there been a large discovery of iron ore lately made in the north of Yorkshire?—Yes, within the last seven or eight years it has been very largely developed indeed.

1416. Mr. *Hardy.*] And the iron manufacturers of Yorkshire are actually on the coast?—They are completely on the coast.

1417. Sir *S. Northcote.*] What proportion does the town due of 6 *d.* per ton on exports bear to the price of iron?—The price of finished iron at Liverpool varies in different states of trade from 7 *l.* to 11 *l.*; the present price is from 9 *l.* to 10 *l.*

1418. Mr. *Headlam.*] Do you know anything of the comparative cost of shipping at Liverpool and Middlesborough?—I do not.

1419. Are there any town dues at Middlesborough?—I believe there are no town dues of any kind at Middlesborough; I am not certain; but the works are situated so immediately upon the Tees that the cost must be very much less.

1420. Mr. *Horsfall.*] Do you know the aggregate expenses at Middlesborough as compared with those at Liverpool?—I do not; there is one point to which I wish to draw the attention of the Committee in reference to the South Staffordshire district, and that is this: when the charter under which the Liverpool corporation claimed their town dues was purchased, the South Staffordshire iron trade, so far as regarded imports or exports, was not in existence at all; it has sprung up entirely since that period; at that time the entire manufacture of iron in the kingdom would be probably about 20,000 tons, and the South Staffordshire product alone is now 700,000 tons, being 35 times the entire make of the kingdom at that period, so that the imposition of a tax of this nature could not have been contemplated at all.

1421. Sir *S. Northcote.*] Do you think that the South Staffordshire district has suffered more than it would have done if the town dues had remained in the hands of the Crown?—I think the South Staffordshire district has suffered more, and will suffer more than if the town dues had remained in the hands of the Crown, because then, if they had pressed with undue severity, there would have been a power to which we could have applied at once, and the attention of the country would have been directed towards them. On the other hand the Liverpool corporation exercises the power arbitrarily; there is no certainty that the dues may not be increased; but in case we had to deal with a more responsible body, we certainly should not have been subjected to the same grievances to which we are now subjected.

1422. Do you know how long town dues have been charged upon iron?—That is a question that I am unable to answer.

1423. *Chairman.*] I presume, if the town dues had remained in the hands of the Crown, they would have been collected on principles of public policy, like other taxes?—I think so.

1424. Is it not always the policy of the Crown not to levy a duty on the raw material, and not to charge export duties on our own manufactures?—Certainly.

1425. Is it not a reasonable inference, that if the town dues had remained in the hands of the Crown, they would have been dealt with on those principles?—It

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is a reasonable inference to suppose that they would have been dealt with on those principles.

1426. Mr. *Watson.*] Have you any statement by which you could show the relative charges between Stockton and Liverpool of conveying iron on board ship, and the relative expenses of carrying it across the Atlantic?—I have not.

1427. Mr. *Hardy.*] When was your attention first called to the pressure of the Liverpool town dues upon the South Staffordshire trade?—My attention was first called to the pressure of the Liverpool town dues upon the South Staffordshire trade a few years ago.

1428. At the time of the Report of the Shipping Dues Commissioners?—It was.

1429. Mr. *Bouverie.*] I suppose the iron ore is brought from Runcorn to your furnaces by railway?—Partly by railway and partly by canal; it comes both ways.

1430. What do you pay per ton per mile?—That varies according to different circumstances. I am having very large quantities brought up for ½ *d.* per ton per mile, in my own waggons: that may be considered as somewhere about the general cost.

1431. Mr. *Horsfall.*] Do you pay a royalty to the Duchy of Lancaster for the minerals you get?—In the South Staffordshire district we do not. There is no Duchy of Lancaster property in the South Staffordshire district. In the South Staffordshire district, the mineral property is entirely in the hands of private individuals

1432. Mr. *Headlam.*] You say that the Crown would have been a more responsible party to deal with; would not this revenue have been the private revenue of the Crown?—Undoubtedly it would, at one period. I am talking of the principles upon which the Crown property is now dealt with, and not of the principles upon which the Crown acted anciently.

1433. Have you any reason to suppose that that part of the revenue of the Crown would have been dealt with upon any different principles to those which are adopted with reference to other parts of the revenue of the Crown?—I think they would not have formed a part of the great charges upon our commercial property.

1434. Is that the case with respect to the private revenue of the Duchy of Lancaster?—I do not know.

1435. Do you know any case in which Crown revenues have been so dealt with?—No.

1436. Mr. *Vance.*] Has there been any fluctuation in the charges made by the Liverpool corporation on iron ore, or manufactured iron?—Not since my attention has been directed to the subject.

1437. Not since you have been connected with the trade?—No.

1438. Mr. *Bouverie.*] Is the whole of your foreign export from Liverpool?—No, our foreign export to America, which is our principal customer for manufactured iron, especially from South Staffordshire, is from Liverpool.

1439. *Chairman.*] Is there any other matter which you wish to state to the Committee?—Yes; I am not only connected with the South Staffordshire iron trade, but with the South Wales coal trade; I have very extensive collieries situated between Newport and Pontypool; those are collieries upon which a very large outlay of capital has taken place, and which when in full operation, will turn out upwards of a thousand tons of coal per diem; those collieries are situated upon the Newport, Hereford and Abergavenny Railway, and are consequently in direct communication with Birkenhead; and I am looking forward to an export trade from Birkenhead as one of the most important sources of demand for my coals, and upon all that I export in that way, I shall be charged 2 *d.* per ton, and that is one of the great grievances of which I have to complain; there is no proportion whatever between the value of the article taxed, and the tax which is imposed upon it. I think I can show the Committee the extremely unjust character of a tax of 2 *d.* a ton upon all coal sent from Birkenhead, by telling them what is the real value of the fee simple of the South Wales coal field. At the present time I am the owner of a mineral estate; one half I have purchased, and upon the other half I pay 2 *d.* per ton royalty upon all coals, so that I really am taxed to the extent of one half the original value of the minerals in the estate, and that is the case with the great mass of the mining property in South Wales; the royalties vary from 4 *d.* to 6 *d.* per ton; if I were to reship any of that coal, I should be charged 4 *d.* per ton,

so that it would practically amount to the confiscation of the original mineral value of the estate.

1440. Mr. *Watson.*] You are the owner of a colliery and let it out at a royalty payable to you?—I am working it myself; I am the owner of one moiety of the fee simple of the estate, and the other moiety I lease, and for that other moiety I give 2 *d.* per ton royalty.

1441. What is the saleable value of coal at Birkenhead?—The value of coal at Birkenhead would be from 6 *s.* to 7 *s.*, which it is at the pit's bank. The carriage to Birkenhead I cannot tell at the present moment.

1442. What profit do you derive from the coal, not the royalty?—Frequently in the present state of trade our profit may be reckoned by pence; there is very little profit upon the coal we are raising.

1443. At other times what is the profit?—One shilling or two shillings a ton, is considered a good profit.

1444. Mr. *Hardy.*] Are you speaking of steam coal?—Yes.

1445. Mr. *Horsfall.*] Have you shipped any steam coal yet?—We have not yet shipped any; the connections with the railroads are but just completed.

1446. Mr. *Hardy.*] What lines do you take it by?—The Newport, Hereford and Abergavenny, and the Shrewsbury lines, and from thence straight to Birkenhead.

1447. Mr. *Headlam.*] As I understand you, one moiety of the estate you hold subject to a royalty of 2 *d.* per ton?—Yes.

1448. Is that what may be called a rack-rent?—It is somewhere about the value of the royalty; royalties in South Wales vary from 4 *d.* to 6 *d.* per ton.

1449. Mr. *Horsfall.*] How far is this colliery, of which you have spoken, situated from Newport?—Nine miles.

1450. Is not there a great export of coal from Newport?—There is a great export of coal from Newport.

1451. Do you calculate that it will pay you to bring coals from your colliery to Birkenhead, as well as to ship it from Newport?—I do.

1452. Mr. *Hardy.*] Is that for sale to steam-packet companies?—Yes, and a very great variety of purposes; I think it is quite possible that it may be worth my while to take coal to Birkenhead, and ship it from there to Whitehaven, to ship ore back from Whitehaven to Birkenhead. If there were no restrictions upon doing so, I think, in all probability, I should erect furnaces at Whitehaven, and also furnaces in South Wales, and have a traffic constantly existing between the two places, *viâ* Birkenhead.

1453. Why would you prefer, in that case, to take your coals to Birkenhead, instead of taking them to one of the ports near the iron ore, and then take back iron ore to your works?—The facilities of carriage shorten the time.

1454. Is time of much importance in the case of coal and iron ore?—Not always, but sometimes it is.

1455. Would it not be much more expensive to take it by railway than to take it by sea to Whitehaven?—That would depend upon circumstances; a very large quantity is sent to Birkenhead; that way is preferred by many iron-masters.

1456. Mr. *Horsfall.*] What is the distance of your colliery from Birkenhead?—I do not know what the exact distance from Newport to Birkenhead is; about 100 miles.

1457. Sir *S. Northcote.*] Do you know whether there are any town dues at Newport?—There are no dues at Newport, except those which are employed for the purpose of improving the dock and harbour accommodation.

1458. Mr. *Hardy.*] Have you access to Cardiff?—Yes, through Newport; but only through Newport.

1459. *Chairman.*] Do you export coals to foreign countries at all?—Not directly; but largely through other parties.

1460. Where do they go to?—To Newport, at the present time, exclusively.

1461. I understand you to be speaking of coal sent coastwise?—Yes, I am speaking of coals that would be sent to Birkenhead to be shipped direct from Birkenhead.

1462. To some port in England?—To a foreign port or to a port in England, either might be the case.

1463. Mr. *Horsfall.*] Is there not a great export of coal from Newport to foreign parts?—Yes.

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1464. Mr. *Hardy.*] Will the discovery of iron ore in Northamptonshire at all affect your purchase of Cumberland iron ore?—Not in the slightest degree; it is a very different class.

1465. It does not suit your purposes?—It is not suitable for the same purposes for which the red hematite ores of Lancashire and Cumberland are used; it produces a different quality of iron; the hematites are used for a different purpose altogether.

1466. *Chairman.*] You have spoken with respect to the injustice of this impost; do you estimate that it is very important? Do you consider that it has any effect upon trade?—Every impost of this kind has an effect upon trade to the extent to which it is levied; it will have a most serious effect upon the coal trade; it has an effect upon the iron ore trade, and an effect upon the finished iron trade, but to a less extent.

1467. Does it divert trade from its natural channel?—To the extent to which these dues are levied it does.

1468. Mr. *Horsfall.*] Can you state any part of the trade which has gone to Liverpool, and which has been diverted by the town dues?—No; but to the extent to which you increase the cost upon the manufactures in our district, to that extent is the amount of production lessened, and the quantity sent out lessened accordingly.

1469. You do not mean to say that any actual trade which has gone to Liverpool has been diverted to any other port?—I do not know whether I can mention any instance in which that has been the case; I have already mentioned an instance in which, but for the extra cost of transport from South Staffordshire to Liverpool, large quantities of iron castings would have been sent off to Liverpool, which were subsequently sent off from Middlesborough.

1470. Mr. *Watson.*] Sent from South Staffordshire to Middlesborough?—No; they were manufactured there.

1471. *Chairman.*] I suppose the natural channel for coals from South Wales is from Newport or Cardiff?—Yes; Newport has increased and become a large port.

1472. Mr. *M. Gibson.*] Is there a general feeling, so far as you know, amongst those who are engaged in the iron trade, that it is unjust that that trade should be taxed to support the local expenditure of Liverpool?—There is a very strong feeling in our district on the subject; that is shown by the signatures to this petition; they were only attempted to be obtained on Thursday, and the petition has been signed by 99–100ths of the entire iron trade.

1473. Have you heard it made out that the Corporation of Liverpool had any claim in equity to levy a tax upon trade for their municipal purposes?—It is considered in our district that this is a tax exacted from us without any advantage whatever being given in return.

1474. I suppose people wonder how such a thing came into existence?—They do.

1475. Mr. *Headlam.*] Did you ever hear any complaint of the Liverpool town dues before the Report of the Shipping Dues Commissioners was made?—I am not aware of that; it does not lessen the injustice of the thing; they may have been complained of, and my attention may not have been called to them; the principle of injustice remains the same, although we might not have been aware of it.

1476. *Chairman.*] Was the trade aware that they got no consideration for this tax?—I do not know that they were aware that they got no consideration; I thought myself that the tax was exacted for the purposes of harbour and port accommodation, but I had no idea that it was employed for the purpose of the local borough expenditure of Liverpool only.

1477. Mr. *Horsfall.*] You are assuming that the trade gets no benefit from those dues?—I am assuming that the trade gets no benefit from those dues.

1478. If it were shown to you that trade derived a considerable benefit, I suppose your views would be different?—To the extent to which the trade was benefited, undoubtedly.

1479. Mr. *Vance.*] Do not you think if a petition were sent round by influential parties against any tax whatever, say the assessed taxes, it would be signed by all the people in your neighbourhood?—Certainly not. I will call your attention to what the Liverpool corporation declare with respect to these dues; they say that there are not any obligations imposed upon them in respect to the receipt

receipt of such town dues; that is the statement which has produced all the signatures to this petition.

1480. Mr. *Headlam.*] Have you had any communication from any other town upon the subject?—None whatever.

1481. Mr. *Vance.*] Do you think this is the only impost which would produce a petition numerously signed to the House of Commons from your district?—Certainly not. I was asked whether a petition against assessed taxes would be numerously signed; that is a matter that would involve questions of political economy, and would, amongst intelligent men, be discussed upon its merits.

1482. Mr. *Duncan.*] You state that Staffordshire is taxed about 7,500 *l.*; would you complain as much of that tax if you were to get anything for it, as I understand it is because you do not get anything that you complain?—We do; we complain also that at the time when the power to exact this tax was given to the corporation of Liverpool, the South Staffordshire iron trade was not in existence at all.

1483. Mr. *Horsfall.*] I presume if it were proposed that this tax should be paid to the Board of Trade and not to the Port of Liverpool you would just as soon continue to pay it to the Port of Liverpool if you had still to pay it at all?—I do not know; that would depend upon circumstances.

1484. Mr. *Duncan.*] You think if it were in the hands of Government, you would have some chance of getting clear of it?—If it were in the hands of Government, it would be removed as an unjust tax upon one of the principal national resources.

1485. *Chairman.*] Supposing the Liverpool town dues were paid over to the Board of Trade, to be applied to the purposes of shipping, and such part as was not required for shipping purposes should be abolished, would that be an advantage?—I think it would; if that had been the case, I do not think this petition in so short a time would have been so numerously signed.

1486. Mr. *Horsfall.*] Are you an advocate for the principle of centralization?—That is asking me a very wide question; I am an advocate for the principle, that for the money exacted from me, I should have value in some way or another, whether under the system of centralization or not makes no difference. I cannot answer your question without enlarging to a greater extent than probably the Committee would like to listen to me.

1487. Sir *S. Northcote.*] You would be equally satisfied if the corporation of Liverpool undertook to spend the whole of the proceeds of the tax in the improvement of the port?—We should; if value were received by the parties paying the tax, that would alter in a great degree the principle of our opposition.

1488. *Chairman.*] You would rather pay a tax to a central authority than to a local authority, to be spent for their benefit?—Yes; over a central authority we should have some control through the medium of our representatives, but over a local authority we have no control whatever.

1489. Mr. *Watson.*] What do you mean by "value received;" do you mean that you should only pay as much as is expended on your own behalf in the port?—I mean that for every payment which is exacted from any trade or class of people, there ought to be some consideration, or else it is an unjust one; with respect to the assessed taxes, there is great consideration.

1490. There may be small consideration and large taxes?—Yes.

1491. Do you mean that you should have a debtor and creditor account kept between the manufacturers in Staffordshire and the corporation of Liverpool, so that the town dues should be carried to a certain account, and you should have power to audit that account, and see how much has been appropriated for your benefit?—What I mean is this: if we are to be taxed at all by the Liverpool corporation, that the entire amount of that taxation should be spent in the harbour, and that only the amounts should be levied which are required for such improvement, and there should be no surplus which is not applied to the purposes for which it is proposed to levy the tax, that is the principle which ought to govern all taxation.

1492. *Chairman.*] Supposing all the payments to be on one side, it is not easy to make a debtor and creditor account, is it?—I think not. I was asked whether my attention was directed to this subject before the Shipping Dues Commissioners; I was one of the witnesses upon the inquiry which took place in Liverpool several years ago, and my evidence will be found in the report which was printed upon that occasion.

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1493. Is there anything which you wish to add to your statement?—No.

1494. Sir *J. Duckworth.*] You have stated that you are part owner of a coal field, and part lessee?—I am.

1495. And for the part of which you are the lessee you pay 2 *d.* per ton royalty?—Yes.

1496. I presume if the person charging that 2 *d.* royalty did not charge you anything to that extent your trade would be improved?—Undoubtedly; but I have no wish to take that which is valuable property for nothing; we are disposed to give consideration for it.

1497. Being the property of another person you pay him a royalty for it?—Yes; that principle would operate in case of every royalty; our trade would be improved if we were owners of the property instead of being lessees of the property to that extent.

Mr. *John Pearson*, called in; and Examined.

Mr. *J. Pearson.*

1498. *Chairman.*] YOU reside in Liverpool, I believe?—Yes.

1499. You are carrying on business there?—Yes.

1500. In what firm?—In my own name.

1501. Lord *Hotham.*] As a merchant?—Merchant and forwarding agent.

1502. *Chairman.*] Did you learn your business in a merchant's office in Liverpool?—I served my apprenticeship in Liverpool; I have been engaged in business about 15 years.

1503. What is the practice of merchants in that business there?—The practice is to ship their own goods; and they generally act as forwarding agents for the manufacture in the interior, shipping goods to places abroad on commission.

1504. There are some whose whole business is forwarding other people's goods?—Yes, there are some whose whole business is forwarding other people's goods.

1505. Your business embraces both branches?—Yes; but I have only a small business.

1506. Are you a freeman?—No, I am not; I have, of course, town dues to pay, both in and out, on all goods I may import or export.

1507. You also contribute to the local rates?—I contribute to the local rates the same as any other inhabitant of Liverpool; but I contribute probably to the town dues to five or six times the amount of my local rates.

1508. Do you know what your local rates are?—The local rates for last year made by the corporation were 2 ½ *d.* in the pound for lighting, and fire police; 10 *d.* in the pound for paving, flagging, and cleansing the streets; 2 *d.* in the pound for sewering; 1 *d.* in the pound for water supply for public purposes; and 4 *d.* in the pound as a general rate for annuities, salaries of local surveyors, treasurers' clerks, health officers, inspectors of nuisances, and scavengers.

1509. Mr. *Vance.*] Have you a poor rate?—That is not made by the corporation; those are corporation rates levied equally amongst the inhabitants of Liverpool.

1510. What does that amount to in your case?—In my case it amounts to only about 5 *l.* 10 *s.* a year.

1511. What did you pay in the same year for town dues?—I generally pay from 30 *l.* to 40 *l.* for town dues; that is seven or eight times as much.

1512. What are the poor rates?—The poor rates are laid by the parish; the rates for the last year were 2 *s.* 9 *d.* in the pound, including a small rate for the museum; ½ *d.* in the pound parochial rate; ½ *d.* in the pound cemetery rate; and ¾ *d.* in the pound voluntary rate; that voluntary rate is not paid in every instance.

1513. What does that amount to in your case?—About 6 *l.* or 7 *l.* a year.

1514. Mr. *Horsfall.*] Do you pay the town dues on your own account?—Yes.

1515. *Chairman.*] Do you pay on account of your agencies?—Yes; I have lost a good deal of my forwarding business lately; I cannot tell the amount, but probably to the extent of 15 *l.* or 20 *l.* of town dues as an agent.

1516. Have you any objection to tell the Committee why you lost your forwarding business?—Because the charges on the business that I have lost have been smaller through London.

1517. What

1517. What is that business?—Forwarding manufactured goods to the East Indies, and likewise Birmingham goods to the West Indies.

1518. The railway has taken it away from you?—Not exactly the railway; in the total charges between the place of manufacture; between Manchester, for instance, and Ceylon, 1 *d.* or 2 *d.* a package is quite sufficient to direct the goods through London.

1519. What were the dues on those articles you used to send, and which now go to London?—They were bales and cases of manufactured cottons chiefly, and packages of saddlery from Birmingham; the dues ran from 1 *d.* to 3 *d.* a package.

1520. Do I understand you to say you think the town dues have had the effect, then, of diverting that trade from Liverpool to London?—Certainly; 1 *d.* on a package is sufficient to divert the trade from Liverpool to London.

1521. What is the town due on saddlery?—According to the package it is put in.

1522. Mr. *Horsfall.*] Are you not aware that certain houses in London have made arrangements for taking charge of goods, either in Manchester or Birmingham, and forwarding them to Ceylon or other parts?—Yes. They have done so in Liverpool also.

1523. Are you not aware that the railway company has reduced the charge on goods from Manchester to London, and the charge from Manchester to Liverpool is much higher than from Manchester to London, in proportion to the distance?—It is not a matter in my own experience; but I have heard that the railway carriage from Manchester to London is probably 70 or 80 per cent. more than it is from Manchester to Liverpool.

1524. Do you mean to say that it is 70 to 80 per cent. more than between Manchester and London, taking into account the increased distance; that is, the mileage is more?—I take the railway charge in this way: it is 10*s.* a ton from Manchester to Liverpool, and I think it is about 27*s.* a ton from Manchester to London; I am not certain of that.

1525. *Chairman.*] Do you consider it any alleviation of the hardship of these town dues that they are imposed upon a trade that is already placed at a disadvantage?—Yes.

1526. Does it lighten the hardship of those town dues that they should be imposed upon a trade which is already struggling at a disadvantage with London?—We are struggling at a disadvantage with London in consequence of having the town dues levied upon us.

1527. Mr. *Horsfall.*] Are you not aware that the outward freights generally from London are lower to Ceylon, Calcutta, and Bombay?—On particular occasions they are lower, but not generally.

1528. Do you think you are correct in that statement?—Yes. I can give an instance where the freights varied 10*s.* a ton to Ceylon within the last month or two, from London to Ceylon, and from Liverpool to Ceylon.

1529. Mr. *Watson.*] What particular trade was this forwarding trade of yours?—Forwarding manufactured goods from Liverpool to places abroad.

1530. Was it Manchester goods?—Manchester goods.

1531. Entirely?—No, chiefly Manchester goods. I had goods from all parts of England almost, to forward through Liverpool, on account of shippers at Birmingham.

1532. You used to pay 15 *l.* to 20 *l.* dues to the corporation upon forwarding goods that has now ceased; is that so?—Yes.

1533. Do you still forward goods?—I do, to a small extent.

1534. Fifteen pounds to twenty pounds was a small extent?—Yes.

1535. *Chairman.*] Do you consider that you get any equivalent for those payments?—None whatever.

1536. They go to the corporation?—Yes.

1537. What is your opinion of the conduct of the corporation in regard to the shipping interests of Liverpool?—I think the corporation have never rendered us any assistance for the shipment of goods in Liverpool; I think we are much better without them.

1538. Mr. *Watson.*] Do you think the loss of this 15 *l.* or 20 *l.* to the corporation in the forwarding goods, was entirely owing to the dues?—No; I say 1 *d.* a package would be quite sufficient to divert the goods from Liverpool to London.

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1539. *Chairman.*] You say you pay dues to the amount of 30 *l.* or 40 *l.* a year for which you get no equivalent; does that measure the amount of injury that you receive?—No, I lose my commission on the forwarding of goods that formerly went through my hands; that amounted to three or four times my town dues; I have lost business amounting to 80 *l.* or 100 *l.* a year when the town dues were only 15 *l.* or 20 *l.* out of it.

1540. Mr. *Vance.*] You stated that 1 *d.* per package is enough to divert the trade in those goods from Liverpool to London; what is the value of each of those packages?—They vary; I sometimes ship a package of the value of 10 *s.*, and sometimes one of the value of 50 *l.*; I ship all kinds of packages.

1541. Do you consider it was the payment of this 1 *d.* per package which has caused you to lose the forwarding trade you are speaking of?—I think a charge of 1 *d.* per package is quite sufficient to divert trade; no man will pay even a penny a package without a necessity for doing so.

1542. Do you consider 1 *d.* per package will induce a person to alter an arrangement so much as to send his goods by London instead of by Liverpool when he had a connection formed in Liverpool for the forwarding of them?—Certainly; most of the shippers of goods have connections formed in London as well as Liverpool, and if they can ship in London for 2 *s.* 3 *d.*, and my charge is 2 *s.* 4 *d.*, I lose them.

1543. One penny upon a package of the value of 5 *l.*, would that enter into the consideration of a merchant where he should have the goods shipped?—Certainly.

1544. Mr. *Watson.*] Time is no ingredient at all, is it?—I am assuming that the time occupied in the voyage from London would be the same as that occupied from Liverpool.

1545. Is that so?—It is generally so; the ships from London and Liverpool are about equal.

1546. Taking goods shipped from Manchester *viâ* London, which have to go round the Foreland; is the voyage the same, in point of time, as goods shipped from Liverpool?—I think the voyage is made from London generally as quick as from Liverpool.

1547. Lord *Hotham.*] Would not the charge from Manchester to London for those things be greater than the charge from Manchester to Liverpool?—Yes; the railway carriage, I think, is 27 *s.* 6 *d.* a ton, from Manchester to London.

1548. That would be more than 1 *d.* a package, which you say would be sufficient to drive the trade away from Liverpool to London?—Yes.

1549. How is it that the manufacturer can better afford to send his goods to London, than to send them to Liverpool, where the only difference would be so small as you have stated?—I ship goods for my own personal friends, and I know it does enter into their calculations what the cost is from Manchester to Calcutta for instance; I do not ask particulars of what they pay by way of London. I know that if I could ship goods through Liverpool at the same rate of cost for expenses, I should have the preference; but at present I am losing those goods.

1550. At the same rate of charge as through London?—Yes, the entire rate of charge.

1551. Mr. *Horsfall.*] How is that consistent with the answer you gave me a short time ago, that the carriage from Manchester to London was 27 *s.* against 10 *s.* from Manchester to Liverpool, and that the freights from London were higher than from Liverpool?—In that case I think that the freights from London to Calcutta or Ceylon must have been lower than from Liverpool to Ceylon or Calcutta. I have also found, generally, there is more confidence in the measurement of goods in London than in Liverpool. That is a very important question, as regards the route to send goods by.

1552. Will you explain what you mean by confidence in measurement?—The freight is generally upon measurement. A ton is taken as 40 cubic feet, and there is more confidence generally amongst my friends, in the measurement that they are charged with for freight from London than there is in the measurement they are charged for freight from Liverpool.

1553. Are not the goods measured upon the same principle?—I rather think not. I know that the system is very loose and very unsatisfactory in Liverpool; but I do not know what is the practice followed in London. I believe the dock trustees, in London, measure the goods, or that they are required to measure them, if applied to to do it; but I do not know the practice.

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1554. Mr. *Moffatt.*] Who measures them in Liverpool?—Anybody excepting the shipper.

1555. Mr. *Horsfall.*] Is it not the duty of the shippers to have some party down there to see the goods measured, if they have any doubt of their being correctly measured?—I believe the form is, that the shipper should attend to see his goods measured at the ship's side, but there are many difficulties thrown in his way; the mate will have the duty of measuring the goods, or the master lumper, or sometimes one man is appointed to measure the goods of three or four vessels in dock at the same time, and it is difficult to find this man ready to measure the goods when you attend to see them measured. On other occasions there are no callipers to be had, and generally when you send again at a subsequent time, you find the goods have been measured and put on board, and you take the measurement in that case from the mate's book.

1556. Can you tell me any firm that employs a lumper to measure goods?—I have not seen the men employed; I know the mates of vessels, or stevedores, measure goods.

1557. Do you think any vessel taking freight would be without callipers?—I have known many times goods sent alongside when there were no callipers there.

1558. Mr. *Duncan.*] Have you no sworn measurers at Liverpool?—No.

1559. Mr. *Moffatt.*] Is it not practically impossible for the shipper of any goods to be at the ship's side, if he is shipping largely?—It is impossible; he may be there three or four days.

1560. Therefore he is entirely at the mercy of the person who has the careof the loading of the ship?—Entirely so.

1561. That is, in the absence of the dock trustees in Liverpool having formed some well understood and well considered scheme, such as you believe to be formed in London, for measuring goods when shipped?—The dock committee take no interest in Liverpool.

1562. Mr. *Watson.*] What interest do the dock companies take in London?—I believe the dock companies in London will measure the goods when applied to; my experience is in Liverpool; I am not certain as to that.

1563. Mr. *Duncan.*] You say that the small charge which was paid to you as the middleman, that is, as the forwarder of goods, is lost to you on account of the merchants in London or Liverpool undertaking either from Birmingham or Manchester, to forward the goods to Ceylon or Calcutta; that being the case, your trade is in some degree taken away from you?—Yes, I lose from 80*l.* to 100*l.* a year.

1564. That must wholly depend on the fact that the rates are the same *in transitu* from either of the ports; if I ship goods, for instance, from Liverpool, and ship goods from London, do you think that 1*d.* per package would decide the question; it would be where I could land them at the cheapest rate?—Yes.

1565. It is on account of the system that middlemen are lost sight of; parties undertake to forward goods from the manufactory to the port of delivery at a certain price, and your trade is absorbed by another party?—Yes.

1566. *Chairman.*] Have you considered the proceedings of the dock committee in Liverpool, and have you any observation to make upon that subject?—I consider the dock committee levy dues quite sufficient to afford all the facility we require for the shipment and receiving of goods in Liverpool; but if the parties paying dock dues in Liverpool had the privilege of electing the members of the dock committee, I think we should have more attention paid to the facility for shipping goods there.

1567. Can you state how the dock committee is constituted?—The dock committee consists of 24 members, one-half elected by the payers of dock dues, and the other half by the corporation.

1568. Who appoints the chairman?—The chairman is appointed by the corporation.

1569. Has the corporation any power of veto over their proceedings?—Yes; there is considerable jealousy between the two bodies, the corporation and the dock trustees.

1570. In what respect has that shown itself?—Some time ago the select vestry of the parish were attempting to levy parish rates upon the docks, and they were assisted in that by the corporation, but they were opposed by the dock trustees representing the payers of dock dues.

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1571. What was the result; who conquered?—It was not fought to an issue; the matter was allowed to be withdrawn.

1572. The rate was not levied?—No, there is no rate levied.

1573. Lord *Hotham.*] At what period are you speaking of?—About three or four years ago.

1574. Are you aware whether it was before the new constitution of the dock trustees, or after?—I do not recollect any change in the constitution of the dock trustees.

1575. Are you not aware that there was a Bill in this House in 1851, which altered the constitution of the dock trustees?—No.

1576. Mr. *Horsfall.*] You stated just now that the chairman was elected by the members of the corporation; you, perhaps, are not aware that that statement was not the fact; do not you know that the chairman is elected by the whole body of the dock committee?—Yes; one half of which consists of the corporation.

1577. He must be a member of the corporation?—Yes.

1578. *Chairman.*] Have you any suggestion to make with regard to the constitution of the dock committee?—I think it would be a great facility to us in shipping our goods in Liverpool if we had the dock trustees alone to deal with; we receive no benefit whatever from the corporation to whom we pay our dues, and shipment is attended with very great trouble in passing the entries. We have, in passing the customs entries, every facility afforded us now in the Custom-house itself; we merely deliver in the entry to the searcher's clerk there, but the entry requires to be passed through the Town Dues Office; there are two clerks there, and through the Dock Dues Office; there are three persons there, and the entry must be countersigned by the persons in those offices before it is received by the Custom-house clerks. We have only one office in which to deposit our entries for the Government customs, but we have three or four others to go to for our local dues, and it is impossible for any one sending out any shipment comprising a variety of goods to know what he has to pay for town dues upon those goods.

1579. How is that?—There is no tariff whatever that will guide him.

1580. Is not there a list?—There is a tariff made up of town dues, and another tariff made up of dock dues, and, of course, the Government tariff; all those are arranged in a different alphabetical manner; some contain some class of goods, and others omit them altogether.

1581. You mean different lists?—Yes.

1582. Is there more than one list of town dues?—There is one rate of town dues inwards, and one rate of town dues outwards; one rate for British goods, another rate for foreign goods; one rate for one package, and a different rate for another. I was connected with a shipment, only last week, of earthenware in puncheons, to the West Indies; it is generally sent in rum puncheons, and the town dues upon those puncheons were 3 *d.* each. If they had been sent in a crate containing twice the quantity, the town dues would have been 2 *d.* each. If the puncheon had been called a cask, the charge would have been 1 ½ *d.*

1583. Mr. *Duncan.*] Do you mean to say a puncheon is not a cask?—They mean to say a puncheon is not a cask. Some years ago there was great agitation in Liverpool; one house was saving a large sum of money by calling bales, trusses, and cases, boxes; and it was necessary to define what was meant by a bale and a case; and they have published that, attached to their town dues tariff.

1584. *Chairman.*] I thought you said that there was no tariff of town dues?—Yes.

1585. Where is it printed?—It is not to be obtained at the office where the town dues are paid; it is generally sent to the publisher of "Gore's Liverpool Directory;" we are referred to Gore's Directory for it.

1586. Is there any original, from which Gore's Directory prints, which is open to the public?—Not that I am aware of.

1587. Does the corporation of Liverpool take town dues upon no article except it is in Gore's Directory?—Yes; the corporation take town dues upon everything.

1588. You are not sure that because an article is not in Gore's Directory it will not be taxed?—I am sure it will be taxed.

1589. Mr. *Moffatt.*] Who fixes the amount of that taxation?—There is an indefinite taxation, left very much to the clerks in the Town Dues Office.

1590. Practically, it is left in their power to fix the rate of taxation on goods, either imported or exported?—Yes.

1591. *Chairman.*]

1591. *Chairman.*] Have you known the rate of taxation upon any article increased?—Not except it is done by a change in the denomination of the packages; for instance, a cask may be called a puncheon, and the rate is increased in that way.

1592. Is a cask larger or smaller than a puncheon?—A cask is any size.

1593. A puncheon is a particular measure?—A puncheon contains about 90 or 100 gallons; the merchant may put it down as a cask, and he might lower the charge; the charge on a cask is 1½*d.*, on a crate 2*d.*, on a puncheon 3*d.*

1594. If the tax upon a cask is left dependent upon the person who makes up the cask, he might make up the cask with more than a puncheon or much less?—Yes.

1595. That would not be the corporation, but the shipper would have the power of fixing the tax himself in some degree?—A great many packages come, and the parties advise the form of the package without knowing the difference they may be subjected to for town dues. They are frequently in the habit of using names for their packages which subject them to more town dues than otherwise they would be subject to.

1596. Would the calling the thing a cask imply a particular thing?—For instance, a small truss they would call a bale; that would be liable to double dues.

1597. Mr. *Moffatt.*] In case the casks were larger than puncheons, would they have the power of levying a higher rate?—No.

1598. *Chairman.*] Have you known the tax upon an article, when it has once been fixed in Gore's Directory, increased?—No.

1599. Mr. *Duncan.*] Have you known the tax reduced?—No.

1600. Mr. *Vance.*] Can you call the packages what you like on passing the entry?—No; we cannot call a case a box, or a box a case.

1601. You are bound to the exact letter of advice that you receive from your correspondent?—We cannot examine goods before passing the entry to see whether the case is a box, or the case is a bale.

1602. Who are appointed to measure the goods in Liverpool?—Anybody; generally a man connected with the vessel; the mate of the vessel, or the stevedore, or the master lumper who takes charge of loading the vessel; some of the largest brokers employ a man for the special purpose. If they have three or four vessels in one dock taking in goods, they would appoint one man to measure the goods.

1603. Has not the mate of the vessel an interest in the measurement being as much as possible?—The mate wishes the vessel to earn as much as possible, and the stevedore, or master lumper, has a personal interest, as he is generally paid by the number of tons he stows in the vessel.

1604. What commission do you receive for shipping goods?—There are rates according to the size and weight of the packages, from 2*d.* up to 2*s.*

1605. Is it not strictly your duty to go yourself, or to have a clerk to attend, to see the goods measured?—The manufacturers know the circumstances under which the goods are sent to Liverpool; I always do my best to get the measurements in the presence of my own clerk. I have known many instances in which it is impossible to get the measurements in the presence of my own clerk; they put the goods on board before you see them. I know a case now, which is in the hands of one of the most respectable brokers, where goods were stated to measure 76 feet; the actual measurement of the six packages through the same office was only 56 feet.

1606. Is not it the case that the reduction of the charge of commission to the forwarding agents, has scarcely made it worth their while to go or send clerks to see the measurement effected?—No; I have not had my charges for forwarding reduced.

1607. Are they not generally reduced in Liverpool?—Not that I am aware of. I do not think the commission to forwarding agents has been reduced at all.

1608. *Chairman.*] Are you aware whether the officers of Her Majesty's Customs assist in any way in the collection of the town dues?—Certainly they do.

1609. In what way?—They will not pass entry at the Custom-house unless the town dues are previously paid.

1610. How is the payment evidenced to them?—By a receipt upon the shipping bill.

1611. Is that done under any Act of Parliament?—I do not know.

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1612. Can you state whether the uncertainty of the amount of those town dues produces a pernicious effect upon the morals of those who are sent to pay them?—I have had instances of apprentices in my office, who have taken down money to pay the town dues, giving an account of having paid considerably more than what they have really paid; they have great temptations from that, and there is no check upon them.

1613. The temptation exists, and you have no list to rely upon to check them?—Yes; and consequently in many cases the Customs' entry has never been passed at all (and that operates seriously to the injury of the shipper), in order that the apprentice or the clerk who was passing entry may put the town dues and the dock dues in his own pocket. If the goods arrive abroad without the entry, they are generally treated as foreign goods, and in Mexico they are liable to seizure entirely.

1614. Have you no means of knowing whether the Customs' entry is passed or not?—No.

1615. What is the course of business where it is passed; is there no documents sent back to you to prove that your entry is passed?—No; the shipping bills are sent out in the vessel by the owner or charterer of the vessel.

1616. Have you nothing to prove that the clerk has passed the entry?—No.

1617. There is an inducement not to pass the entry, in order to put the town dues into his pocket?—Yes.

1618. Sir *J. Duckworth.*] Does not that apply to the dock dues as well as to the town dues?—Yes; only we have a better tariff. I consider it is better with respect to the dock dues than the town dues.

1619. There is not the same temptation to parties to cheat you in regard to the dock dues as in regard to the town dues?—The dock committee or dock trustees require the manifest, or a copy of the manifest, for the owner of each vessel loading in Liverpool, and we have always a check in that way. The secretary of the dock committee sends a circular round to those whom he finds having shipped goods which are not entered at the Custom-house.

1620. Then your answer just now, that you are liable to be cheated in regard to both of the dues, is not correct?—We are liable to be cheated, but we have the discovering, after the ship has gone to sea, that the entries have not been passed by the dock committee.

1621. *Chairman.*] You know the amount which the dock committee will charge?—Certainly we do.

1622. You do not always know the town dues?—No.

1623. Sir *J. Duckworth.*] You always know the amount of local dues that ought to be charged, except in cases that are not included in the tariff?—The tariff of the town dues is so absurd, that it is impossible in sending out a shipment consisting of ten different articles, to find the charge for each article in the tariff.

1624. All those that are in the tariff, you know what they are going to be charged?—Yes.

1625. *Chairman.*] Do you consider that there exist greater facilities in evading these dues in any other way than that you have mentioned?—There are advantages, certainly, that a freeman possesses as regards the town dues that no other persons engaged in trade in Liverpool possess. A freeman may, for instance, be the owner of coals, or salt, or iron, and he is enabled to save those dues for his customers; and it is a very common practice now (I do not apply that exclusively to freemen) to have the heavy goods sold free on board, and a freeman, who is the agent for the sale of those goods, will enter them out in his own name, and sell them after he has put them on board, thus saving the town dues to the parties who buy them from him.

1626. Do you consider that a legitimate transaction?—Yes.

1627. You cannot call that a fraudulent transaction?—No.

1628. They are his, and he sells them after they have passed entry?—They are his until after they are put on board the vessel.

1629. Lord *Hotham.*] He represents them as his?—They are his own virtually until he sells them.

1630. *Chairman.*] You speak of two sales; one sale takes place before the goods are on board?—I do not speak of any sale on board.

1631. I understood you to say they were put free on board?—They are sold free on board, and afterwards put on board at the expense of the seller.

1632. Lord

1632. Lord *Hotham.*] How are goods which are held by an individual who is acting as an agent for another said to be his own?—He has the property in those goods; very often the agents sell those goods in their own names; I am applying this to the agents who sell, the sellers being freemen of Liverpool.

1633. *Chairman.*] He has not the property if he has sold the goods; he has nothing left but the possession?—His property is gone after the goods are on board.

1634. Lord *Hotham.*] Does not he sell, as his own property, the property of another person?—It is a common practice in Liverpool not to render to their principals the names of their customers; they sell them in their own name, as if they were the owners, being at the same time merely the agents.

1635. If a person sells in his own name property which belongs to another person, to whom he is agent, surely that is not an honest transaction?—It is if he accounts to his principals for it.

1636. If he represents property as his own which belongs to another person, and thereby saves certain dues upon that property, is that an honest transaction?—I will take the case of an agent for the sale of salt in Liverpool; a salt agent in Liverpool may sell salt there free on board, he does not know who his principal is at the time he is making the sale, but he knows it is not his own property; he knows he can take this order to any salt proprietor, and receive his commission from that salt proprietor for the sale of it.

1637. Although he may not know who the proprietor is, he must know who is not, namely, himself?—He is the representative of the proprietor.

1638. Mr. *Horsfall.*] Are you aware that in that case he has to sign a certificate at the town dues office, that that salt was *bonâ fide* his own property when he sold it?—The property leaves him after he has put it on board the vessel.

1639. Are you aware that he signs a certificate when he ships it, that it is then his own property, and that it so remains on board?—Not when he is acting as agent. I do not suppose he would sign a certificate if he was acting as agent.

1640. If he made the certificate, the property not being his own, but shipped on behalf of other people, it is a fraud upon the corporation, is it not?—If he makes a certificate that it is his own property, and it is not his own property, it is a fraud. A man acts as an agent in buying and selling; he buys the salt, and gets a commission as agent besides. I do not suppose there is any case of a free man making a certificate that the property was his own where he was acting as a *bonâ fide* agent.

1641. Do you think there are cases where a freeman sells salt, and still enters it out as his own property?—Yes.

1642. Thereby giving a certificate, after he has sold it, that it is his own property?—I believe there are cases where a freeman sells salt, and treats that salt as his own property until after it has entered the Custom-house.

1643. Mr. *Duncan.*] And gives a certificate?—Yes; it is his own property.

1644. Although he has not bought it?—He has bought it, before it was entered.

1645. Then it becomes his own property, if he has bought it?—The agents buy and sell salt.

1646. Mr. *Fenwick.*] Did I understand you to say that the agent, before he sells the salt, has bought it in every case?—Not in every case. A salt agent will take your order, and take the chance for buying that salt; he calls himself an agent to a salt proprietor in Cheshire, for the sake of securing his commission.

1647. Mr. *Moffatt.*] What you mean is this, that a forwarding agent in Liverpool, who has transactions in salt, will undertake to deliver a certain quantity of salt to any person desiring to export that salt, and he will go into Cheshire and buy salt of the manufacturers in Cheshire, and, as agent, charge them a commission upon what salt he buys from them?—That is the practice.

1648. So that, although he extracts a commission from the manufacturer of the salt, he *bonâ fide* buys the salt of the manufacturer, and puts it on board at the price at which he engages to deliver it to the merchants who wish to export it from Liverpool?—Yes.

1649. Mr. *Horsfall.*] Do you mean to say, that you know of any party who as a freeman has shipped goods on account of another party, on whose account he has sold them, and that he has given a certificate that it is *bonâ fide* his property?—I am not saying it is the practice, but it is a practice a freeman can engage in.

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1650. Mr. *Moffatt.*] Are there any freemen forwarding agents?—I am not aware of any; I am not aware who are freemen.

1651. *Chairman.*] Goods that pass by Liverpool without stopping, pay dues to the port, do not they?—Yes, when they are coming inwards.

1652. Do they when going outwards?—Goods coming from the interior of the country, landed at Liverpool, coming by canal do not pay town dues.

1653. If they were going from Runcorn to America, would they pay town dues?—Yes, certainly.

1654. If goods come from Runcorn to Liverpool, to be consumed there, would they pay town dues?—No.

1655. Why is that?—Runcorn is a part of the port of Liverpool; agricultural produce from Ireland pays town dues coming into Liverpool.

1656. Can you state any town dues paid by Irish goods?—Irish goods pay town dues upon every article of Irish produce and manufacture.

1657. Everything that comes inwards pays town dues, and outwards too?—Yes; generally the dues are double inwards to what they are outwards, so that we have double the amount on goods from Ireland which we have on goods shipped to Ireland.

1658. There is twice the tax on Irish produce coming to Liverpool, that is levied on English produce shipped to Ireland?—Generally speaking.

1659. Can you state whether those who pay the town dues get any return in the shape of improvements in the town of Liverpool?—None, that I am aware of; not any special return beyond what any other man in Liverpool gets who pays no town dues.

1660. There are parts of Liverpool more immediately connected with shipping than other parts?—The shipping is generally connected with the margin of the docks.

1661. Have the town dues been expended upon that portion of Liverpool?—Not that I am aware of.

1662. At whose expense has what has been done, been done?—The dock committee made the dock, and the dock quays afford facility for transit.

1663. About widening the streets, who has done that?—I am not aware of any streets being widened in the neighbourhood of the dock quays except at the expense of the dock committee.

1664. You do not know upon what parts of the town the town dues have been spent?—No.

1665. As to police, do you know?—The dock trustees pay their own police.

1666. Goods, in transit for export, use the streets of Liverpool, do not they?—No.

1667. How is that?—They are transferred generally from one dock to another, the flat or vessel bringing them from the interior, from Manchester, or the River Weaver, will go alongside the export ship in the docks of Liverpool.

1668. Do goods for export come much by railway?—Yes; the railways are carried now on to the margins of the docks.

1669. So that they are brought immediately on to the quays?—Yes.

1670. Are you acquainted with Southport?—I reside near Southport.

1671. Have you anything to state with regard to Southport, in reference to this question?—Southport is within the Port of Liverpool, though it is 25 miles from Liverpool by the shore.

1672. Southport is situated within the limits of the Port of Liverpool, on the Irish Channel?—On the River Ribble.

1673. Near the mouth?—Near the mouth; it is a bathing-place. There is no traffic carried on there, and the Liverpool Corporation have not, that I am aware of, claimed any town dues, but it is generally understood that they would have the power to do so if there was any traffic. It is used as a sanatorium; the manufacturers of Lancashire and Yorkshire support a large hospital there for their workpeople.

1674. There are no town dues levied, there being nothing to levy them on?—Nothing to levy them on.

1675. Do you consider there is any unfairness with regard to the lights and buoys?—That has no connexion with the town dues; it is provided by the dock trustees out of their dues.

1676. There is a particular rate for the purpose?—Yes; it is a rate charged upon ships.

1677. How

1677. How is it expended?—By the dock trustees.

1678. In what way?—In providing lights and affording facilities for the navigation.

1679. Where to?—In and out of the Port of Liverpool.

1680. Does the rest of the Mersey get any benefit from it?—Not that I am aware of. I have nothing to do with shipping in Liverpool; goods derive no benefit.

1681. Do you know anything about Wallasey embankment?—There have been great complaints of the Wallasey embankment being allowed to get into disrepair.

1682. Whose duty is it to keep it in repair?—It is generally understood, I think, that the corporation provide a portion of the means for keeping it up, but they have neglected to attend to it.

1683. Mr. *Horsfall.*] Do you speak that of your own knowledge?—I derive it from the complaint of Mr. Holme, in the council of Liverpool; he made a complaint of the state of the Wallasey embankment.

1684. *Chairman.*] Is there a rate collected for that purpose from certain landowners in the neighbourhood?—I do not know.

1685. Is the channel of the Mersey suffering at all?—I believe it has not done so lately; but this embankment is on the margin of the channel.

1686. Is there not a considerable quantity of land washed away annually from the Cheshire shore of the Mersey?—Yes.

1687. Where does that take place?—It is all along from the shore opposite Liverpool by New Brighton.

1688. What is that attributed to?—To the want of embanking.

1689. Mr. *Horsfall.*] You are not an engineer, I presume?—I am not an engineer.

1690. *Chairman.*] Have you any suggestions to make with regard to a remedy for the evils which you have spoken of?—I think we should get on very much better in Liverpool if we were relieved from the jealousy of the corporation, as regards the shipping of goods, and also if those who pay the rates for shipment had the entire management of the dock quays, and affording facilities there.

1691. You would do away with the 12 members that are appointed by the Liverpool Corporation?—I would appoint them entirely from persons contributing to the funds.

1692. From persons who paid the dock rates directly?—Yes.

1693. You would remove the veto of the corporation?—Certainly.

1694. What duties would you vest in the dock trustees so appointed?—The dock trustees would perform the same duties that they do now; I think they would afford, to a much greater extent, facilities for shipping in Liverpool, and proper protection for our goods there.

1695. Would you vest in them the conservancy of the Mersey?—Yes; it is their duty at present to look after the channels of the port.

1696. Lord *Hotham.*] You would do away with residence within six miles as a necessary qualification of the dock trustees?—I would elect the dock trustees from those who contribute to the rates, whether they resided in Liverpool or in any other part of England.

1697. How would you define who contributes to the rates?—They are well known in Liverpool.

1698. Would you confine the dock trustees to Liverpool?—No.

1699. You would do away with the necessity of residence in Liverpool?—Yes.

1700. Mr. *Horsfall.*] Are you aware, in order to be eligible for a member of the dock committee, that no length of residence is necessary in Liverpool, but in order to be eligible for a member of the town council, out of whom half the dock trustees is elected, three years' residence is necessary?—No, I am not.

1701. Supposing that to be the case, which it is, do you think, that the bondholders who now hold bonds to the amount of 5,000,000 *l.* would be equally well satisfied to have the dock committee entirely elected by the dock ratepayers, who are in fact a fluctuating body, as by having one half elected by the town council, who by their three years' residence may be considered a permanent body?—I think the bondholders would be equally well satisfied with their security, the dock trustees being elected from those who contribute to the dock rates. I consider

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the corporation more a fluctuating body than the dock trustees elected by the merchants.

1702. Will you explain that?—We have had very great fluctuations in the Corporation of Liverpool; only recently I may mention the excitement caused in the council chamber by the proposal to supply Liverpool with water; upon which occasion, we found the best men of Liverpool, some of the cleverest men, who had the greatest confidence placed in them, turned out of the council chamber altogether.

1703. Lord *Hotham.*] You are speaking of a time prior to the last Bill of 1851?—I am speaking of the supply of water from Rivington Pike.

1704. That controversy was prior to the last Bill in 1851, which re-arranged the trustees?—It was about 1851.

1705. Mr. *Horsfall.*] Are you aware of the fact, that if a ratepayer to the docks pays 50*l.* within one month, he is capable of being elected a member of the dock committee, and in another month he may leave Liverpool; but that in order to be eligible to be a member of the town council, he must have three years' residence?—Yes.

1706. Do you think the dock bondholders would be equally satisfied to have the dock committee constituted of those who might be in Liverpool one month and gone the next, as with one half constituted out of a body, the necessary qualification to which is a three years' residence?—I think the dock bondholders would be very much better satisfied if the dock trustees were elected from persons who had paid rates for three years, or a period equal to that by which they are qualified for the corporation.

1707. You are presuming three years' residence is the necessary qualification for a dock committee-man?—I think it would be better.

1708. *Chairman.*] Do you think the public confidence in the dock committee would be increased or diminished by its entire separation from the Liverpool Corporation?—I do not think the confidence of the public or the bondholders would be at all diminished by its separation from the corporation.

1709. Would it not be increased?—That is not a question which I have considered at all.

1710. Is it not notorious that there have been pecuniary transactions to a very large amount between those two bodies?—Yes.

1711. Is it not the general opinion in Liverpool that the dock committee have made very bad bargains with the corporation in land transactions, and so on?—I have no opinion to express upon that subject.

1712. Mr. *Horsfall.*] Are you not aware that when any purchase of land has been made it has been invariably upon the verdict of a jury?—I believe it has.

1713. Do not you think the public generally are satisfied with the transactions as between the two estates?—I do not know of any cause of dissatisfaction between the two estates.

1714. *Chairman.*] You never heard that the veto has been exercised as to what evidence the dock committee should lay before the jury?—Never.

Darnton Lupton, Esq., called in; and Examined.

D. Lupton, Esq.

1715. *Chairman.*] YOU are senior Partner of the firm of Messrs. William Lupton & Co., Cloth Merchants, at Leeds?—Yes.

1716. And Vice-President of the Chamber of Commerce at Leeds?—Yes.

1717. And deputed to attend here on behalf of the Chamber of Commerce?—Yes.

1718. How is that Chamber of Commerce composed?—It is composed of 106 members; in fact, partners in every important firm in the borough are members of that Chamber.

1719. Have the Chamber considered the question which is referred to this Committee?—Yes; they desired me to attend before this Committee.

1720. What statements have you to make with regard to the Liverpool town dues?—It is considered a gross injustice that we should pay anything for which we do not enjoy some benefits. It is not a large tax that the borough of Leeds pays, but even were it less than it is, it would not alter the fact of its being an injustice. In the borough of Leeds we have built a borough goal, at a cost of 45,000*l.*; I am speaking now of within the last few years; last year we completed

pleted our sewerage, which cost 200,000 *l.*, and we are at present building a town-hall for municipal purposes, and county courts for nisi prius, and so on, at a cost of 80,000 *l.*; and we think it is certainly unjust that the borough of Liverpool should be exempted from such taxes as these, when we have to contribute by our goods passing through the Port of Liverpool to those rates.

1721. Can you state any details as to what amount of manufactures from Leeds passes through the town of Liverpool?—The last year 7,340 tons of goods passed from Leeds to the port of Liverpool for shipment, and the general character of the goods in Leeds is of considerable value; our packages are under 3 cwt., so that there would be between 42,000 and 45,000 which would go from the borough of Leeds to pass through the port of Liverpool.

1722. What will be the due upon those packages?—Twopence upon the 45,000, which would be something between 350*l.* and 400*l.*

1723. Mr. *Horsfall.*] Was that on Leeds account?—Shipped wholly from Leeds.

1724. On account of manufactures in Leeds, or by orders?—By orders.

1725. Many from Liverpool?—No, not from Liverpool; it is not a very common business with us.

1726. Mr. *Moffatt.*] Have you a statement of the amount of duty paid on imports at Liverpool that passed to Leeds from Liverpool?—No, I have not; I merely know the fact that a considerable quantity of wool comes into the port of Liverpool, and the manufacturers of the West Riding of Yorkshire go to Liverpool to purchase that wool; there is a duty of 4*d.* per pack upon that wool.

1727. They derive a large portion of their other supplies from the port of Liverpool?—The largest supply, which comes from our Australian colonies, comes to London, and is sold here by auction.

1728. Mr. *Horsfall.*] Is this wool imported by the manufacturers, or purchased in the market?—Purchased in the market.

1729. The town dues are paid by the importers of wool in Liverpool, are not they?—Still they must be paid, and must come upon the price of the wool.

1730. They are not paid by the manufacturers in Leeds?—It must come ultimately, no doubt, upon the consumer, and therefore it is a damage to trade.

1731. *Chairman.*] It limits the amount of trade?—No doubt it does to the extent it goes; it is very small; I may mention that the port of Fleetwood, I believe, owes its entire rise to the fact of the exorbitant charges at Liverpool; I remember when there was nothing sent from Fleetwood, when all our Irish business was carried on through the port of Liverpool; as Mr. Vance, the honourable Member for Dublin, knows perfectly well, all our business was sent through Liverpool; now we never hear of such a thing as goods for Belfast, and the north of Ireland, being sent through the port of Liverpool; it is *viâ* Fleetwood and *viâ* Morecambe, entirely owing to the circumstance of the heavy charges; I do not say the town dues only, but the other heavy charges at Liverpool.

1732. Mr. *Horsfall.*] Has increased railway communication nothing to do with it?—No doubt, something; it is as cheap to send to Liverpool as to Fleetwood.

1733. Mr. *Moffatt.*] The fact is, that the charges at Fleetwood are much lighter than those at Liverpool?—Yes.

1734. Are any town dues charged at Fleetwood?—I am not aware of any.

1735. Mr. *Vance.*] Is not the passage from Fleetwood to Belfast shorter than from Belfast to Liverpool?—It is; it is much more difficult to get goods on board at Fleetwood; if there were the same charges, I have not the slightest doubt goods would go to Liverpool.

1736. Mr. *Hardy.*] Has the corporation of Leeds any property of its own?—We have 5,500*l.* capital, and we have a Bill now before the House to seek to sell it; that is from the old corporation.

1737. That is the whole corporation property?—Yes.

1738. Mr. *Horsfall.*] Do you know anything of Fleetwood, personally?—No.

1739. You cannot tell us the flourishing condition it is in, from your own knowledge?—I merely tell you the fact, that every package from North Yorkshire, that goes to Belfast, as far as my knowledge extends, goes through Fleetwood and Morecambe; "*viâ* Fleetwood," is the invariable order.

1740. Mr. *Hardy.*] Yours are light goods, comparatively?—Yes.

1741. Things that require rapid transit?—They do.

1742. They go by steamer from Fleetwood?—They do.

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1743. Mr. *Fenwick.*] What is the distance between Leeds and Liverpool by railway?—I cannot say.

1744. Is it more or less than between Leeds and Fleetwood; which is the greatest distance?—I cannot say; Liverpool is much easier to get at than Fleetwood.

1745. Notwithstanding that, it is found better to send goods to Fleetwood, in consequence of the lower port charges?—Yes.

1746. *Chairman.*] Although the accommodation at Liverpool is better for shipping, the goods go to Fleetwood?—Doubtless it is; it is much easier to get goods on board at Liverpool.

1747. Mr. *Hardy.*] Is there not a very good class of steamers from Fleetwood?—Yes.

1748. Mr. *Vance.*] Do you know any case in which goods are sent *viâ* Fleetwood to Dublin and Cork?—No.

1749. Do you know that Fleetwood and Belfast are nearly opposite?—Fleetwood lies a little to the south of Belfast.

1750. The only town dues that are paid upon each package of your goods is a charge of 2 *d.*, is that so?—It is.

1751. What is the average value of each of your goods that you send by sea-going vessels?—I cannot tell; 200 *l.*, or 300 *l.*, or 400 *l.*

1752. Do you consider this charge of 2 *d.* a great consideration upon a package worth 300 *l.* or 400 *l.*?——I do not say that it is; I say, everything that adds to cost is a consideration; if, as a man of business, I can send a thing and save 2 *d.*, I should do it, more especially if it is an injustice.

1753. How long is it since the attention of the Chamber of Commerce of Leeds has been attracted to those town dues?—As soon as ever we saw by the Parliamentary Reports that a Bill had been brought in by the Government, the secretary of the Chamber of Commerce called on me and drew my attention to it; I at once summoned a meeting of the council, and we petitioned the House of Commons the following day; I summoned a special meeting of the council of the Chamber of Commerce; I was only amazed that other manufacturing towns did not take it up as we did.

1754. Until then the town dues did not form, much, a topic of conversation at Leeds as being oppressive to trade?—Not as being oppressive to trade; every man of business knows that time is too valuable to move in a question of that sort, but the moment we had an opportunity we expressed what our opinion was.

1755. Mr. *Headlam.*] Is a material portion of the traffic from Leeds sent to Fleetwood?—An enormous amount.

1756. Belfast and the north of Ireland?—Yes.

1757. Mr. *Horsfall.*] Do you mean to tell the Committee, that it is this oppressive charge of 2 *d.* that is the means of diverting your traffic to Fleetwood?—I say the general charges at Liverpool are much higher than they are at Fleetwood; therefore it was those heavy charges in Liverpool which, I believe, created Fleetwood.

1758. Mr. *Fenwick.*] Of which heavy charges this 2 *d.* is one?—Yes, it is particularly obnoxious, because it is unjust.

1759. Mr. *Horsfall.*] The charge of 2 *d.* on 200 *l.* or 300 *l.* worth of goods is not made at Fleetwood, consequently it is not now a grievance?—Certainly not; as regards Belfast and the north of Ireland, the charge in Liverpool is daily becoming a greater grievance, from this fact, that the rapid facilities afforded by railways and steam-boats creates the following state of things; the merchant in Leeds has to keep an immense stock of goods, and the retailers in the country parts of Ireland will write for one piece or two pieces of goods, and they are subject to the same charge whether it is a single piece of goods worth 10 *l.* or one of our bales worth 400 *l.*; going to Cork or Wexford, or any other town in the south of Ireland, they are subject to the same charge.

1760. I understand you to say the average value of those packages was 200 *l.* or 300 *l.*?—I spoke of the packages from Leeds outwards, that comprises cases to the United States of America, bales to South America and all parts of the world which we trade with; my remark is now limited to what passes between Leeds and Ireland.

1761. What has been the increase of trade between Belfast and Fleetwood; what additional number of steamers are there?—Between Fleetwood and Belfast

it is very great indeed; boats sail every night, except Sunday, from Fleetwood, and in addition to that, from Morecambe, boats run twice a week.

1762. Can you tell the proportionate increase between Liverpool and Belfast?—I do not know.

1763. *Chairman.*] What I understand you to complain of is rather the nature than the amount of the imposts?—Yes, the injustice.

1764. Mr. *Fenwick.*] If you know that the town dues were applied for the purpose of improving the river Mersey, would your objection then hold to them?—Certainly not, because if the money was properly expended it would reduce, no doubt, the charges that were made for dock dues; there would be no objection to any thing for which there was an equivalent given.

1765. Sir *J. Duckworth.*] If it was expended in improving the river between Liverpool and Runcorn, would that be any benefit to your goods coming from Leeds?—I think not.

1766. Mr. *Vance.*] Do you happen to know the ordinary charge made by the forwarding agents in Liverpool?—Two shillings is the usual thing which we have been charged for cartage, wharfage, dock dues and town dues.

1767. You do not know the precise charge made by the forwarding agent for his trouble?—I do not.

1768. Supposing that this forwarding agent had to pay very heavy taxes upon his premises in Liverpool, which he has not now, do you think he could forward your goods for as small a commission as he at present charges?—If the expenses of the business were increased, I should certainly suppose his charges would be higher.

1769. By 2 *d.* at least?—That is impossible for me to say, such is the effect of competition; it might come out of his profits, for any thing I know.

1770. Mr. *Moffatt.*] Do you know anything of the relative value of rents of offices in Leeds and London?—No, I do not.

1771. *Chairman.*] Does not municipal taxation ultimately fall upon the owner of the house rather than the occupier?—Yes, it reduces the rent, there is no doubt about that.

1772. Mr. *Horsfall.*] Can you tell the Committee the amount of charge by railway from Leeds to Fleetwood on a package?—I cannot; it is paid by the purchaser of the goods.

1773. You do not know the freight between Fleetwood and Belfast?—I do not; it varies very much with the competition there, I believe.

1774. Mr. *Headlam.*] Independently of those local dues, would the cost of transit of goods from Leeds to Belfast be cheaper by Fleetwood than by Liverpool?—I have no opinion upon the subject; all those costs are paid by the purchaser of the goods at the other end.

1775. Mr. *Hardy.*] You do not pay in advance at all?—No.

1776. Mr. *Headlam.*] You do not pay town dues?—Our customer does.

1777. Mr. *Vance.*] Do not you pay the carriage of goods to Liverpool for your customers?—We never do individually.

1778. In no case?—No.

1779. Mr. *Moffatt.*] Your delivery of the goods is complete when they leave your warehouse?—Yes.

1780. Mr. *Headlam.*] As far as you are concerned, it is a matter of indifference whether they go by Fleetwood or Liverpool?—Certainly, so it is; I only say the invariable order is "*viâ* Fleetwood."

1781. Mr. *Vance.*] For goods to the north of Ireland?—For goods to the north of Ireland.

1782. Mr. *Hardy.*] And passengers too?—Yes.

1783. *Chairman.*] It is to your interest that the goods should go the cheapest way?—Yes.

1784. Mr. *Headlam.*] With respect to this north Irish trade, the Liverpool dues only press upon you in that form; they may, by a small increase of cost, diminish your sale?—That is the way they work.

1785. Is that the only way they work?—It is an injustice; and every man revolts against an injustice, whether it is large or small.

1786. That is the practical loss to you?—Doubtless, it is only a pocket loss.

Charles Henry Jones, Esq., called in; and Examined.

C. H. Jones, Esq.

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1787. *Chairman.*] DO you carry on any business?—I do not.

1788. You were the chairman of the local Commissioners of Huddersfield, were not you?—I was, last year.

1789. You have no corporation in Huddersfield?—We have not.

1790. You have been requested to come before this Committee?—I have.

1791. By whom?—By the Board of Commissioners.

1792. In regard to Liverpool town dues, what have you to state to the Committee?—The town of Huddersfield, along with the other towns in the West Riding, fear that any tax which is levied solely for local purposes must be injurious to the commerce of the district.

1793. Levied in Liverpool?—Yes.

1794. Does this taxation affect Huddersfield and the district round it?—I should say it does, materially.

1795. What is the manufacture in Huddersfield?—Fancy woollen goods of various kinds.

1796. There are a number of towns around Huddersfield employed in the same manufacture, are there not?—Yes; Heckmondwicke, Dewsbury, Cleckeaton, and Holmfirth. There is a very large population around about us employed in the same species of manufacture.

1797. Does this tax affect your raw material at all?—It does; a large amount of wool is brought into our district, a low class of wool; not to the town of Huddersfield particularly, but to Dewsbury, Heckmondwicke and this district, and the manufacturers regard it as a heavy tax upon that article; the bales are small, and the value is low.

1798. Where do those wools come from?—The East Indies, Russia, South America, and a great number of other places.

1799. Inferior classes of wools, are not they?—Yes.

1800. You have other wools, have you not?—The finer wools of Germany and Australia principally come through London and Hull.

1801. They do not pay town dues to Liverpool?—Not much.

1802. They pay something to Hull?—They do; there is a very large quantity of groceries, dye-woods and oils come into our district from Liverpool.

1803. With regard to your manufactured goods; are they taxed?—Yes, if they go out and are shipped abroad and coastwise.

1804. Do you send any to Ireland?—Yes; and to America, Australia, Wales, and to all places coastwise as well as abroad.

1805. Have you made any calculation of the amount you have paid?—The Chamber of Commerce is taking that question up; they are endeavouring to get statistics prepared, and in a very short time to adduce them before this Committee.

1806. You object to this payment, as I understand?—Yes, we do.

1807. On what ground?—We think anything that comes into Liverpool and is taxed for local purposes, must be an addition to the cost of the material, whether it will be coming in or going out, both to the producer and the consumer.

1808. You say the tax is for local purposes; supposing this money were for the purpose of shipping and improving the port, then you would not object, I apprehend?—Then we should not object.

1809. Mr. *Hardy.*] You spoke of wool coming from Russia; does any of that wool come by Liverpool?—I believe it does; I am not quite clear on that head; some portion of it does come; a large quantity comes from South America.

1810. Have you any notion what amount of the coarse wool you spoke of that goes to Dewsbury, Heckmondwicke, and those places, comes through Liverpool?—Something like 20,000 bales per annum to that neighbourhood alone; it is a manufacturing district, with a population of something like 100,000 in the neighbourhood.

1811. The greater part of their supply is the refuse wool from other towns in the neighbourhood, is not it?—Yes, some portion of it. In this district, they consume a largish quantity of the wool which comes direct.

1812. Mr. *Horsfall.*] Has the trade of the district of which you speak increased much?—Yes, it has; and is increasing.

1813. Notwithstanding

1813. Notwithstanding their oppressive dues?—Yes, of course; the more it increases, the more the oppression is, undoubtedly. *C. H. Jones*, Esq.

1814. *Chairman.*] What is the cause of this increase?—Increase of population for one thing, and increased facilities at home and abroad for transit. 5 May 1856.

1815. I suppose it is more owing to the ingenuity of the people of Huddersfield than of Liverpool, is it not?—I should say so, entirely.

Jovis, 8° *die Maii*, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Mr. Headlam.
Mr. Bouverie.	Mr. Horsfall.
Sir John Duckworth.	Lord Hotham.
Mr. Duncan.	Mr. Moffatt.
Mr. Fenwick.	Mr. Vance.
Mr. Milner Gibson.	Mr. Watson.
Mr. Hardy.	

THE RIGHT HON. ROBERT LOWE, IN THE CHAIR.

Stephen Heelis, Esq., called in; and Examined.

1816. *Chairman.*] ARE you Mayor of Salford?—I am. *S. Heelis*, Esq.

1817. You are a solicitor in considerable practice?—Yes, in Manchester. 8 May 1856.

1818. Has the question of the Liverpool town dues attracted attention in Salford?—It has.

1819. For how long?—For several years past.

1820. What was it that first drew attention to it?—Attention has been directed to it in consequence of its having come to light within these few years that the Corporation of Liverpool were exacting considerable sums in the shape of town dues, and in reality gave us nothing for them; and it has been a subject which Salford, in common with Manchester and various towns in the neighbourhood, has taken up rather warmly.

1821. What is the business carried on in Salford?—General manufacturing; we are an adjunct in fact to Manchester. Whatever can be considered as Manchester business may be considered as business in Salford.

1822. Cotton manufacture?—Yes; general manufacturing.

1823. I suppose you have local taxation, as Manchester has?—We have.

1824. A borough rate and so on?—Yes.

1825. Supposing these town dues were applied for the benefit of shipping, would there be any objection to them?—We could not have any objection then; we should have no objection at all.

1826. The objection is merely to the application of them?—Yes.

1827. Do you come here on behalf of Salford?—Yes. The Corporation of Salford had this matter considered some time ago in a petition on the subject, and my instructions were, in common with two or three other members, to take every opportunity that we had of forwarding any measure which might have the effect of relieving us from this impost.

1828. Have you considered the position which Liverpool occupies with regard to these town dues?—Yes.

1829. What do you consider to be the claim set up by Liverpool?—The claim set up by Liverpool I understand to be, to dues in respect of all goods brought into the Port of Liverpool; that port extending, as they say, from about the mouth of the Dee to the mouth of the Ribble; all over the waters of the Mersey.

1830. Have you any observation to offer on that claim?—I cannot understand at all the position which is taken by the Corporation of Liverpool with reference to this question, because they claim a right to levy any amount of taxation arbitrarily, and without limit. There is no certainty at all in it, and at the same time they

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they disclaim any obligation to do anything for it. How that can be a state of affairs which can be permitted in the absence of legislation I am at a loss to conceive.

1831. Your position is, that no such right could exist at common law?—Certainly; I have had the subject before me not only of late years, but for a considerable time; from having been professionally concerned for the Mersey and Irwell Navigation Company, whose interest of course it was to have as much traffic as possible brought up from Liverpool, and I have no difficulty in saying that if the question were now free from the difficulties which have been cast around it by legislation, this is not a matter which could be successfully maintained by the Corporation of Liverpool.

1832. Do you find no precedent for such an impost?—I am not aware of anything of the kind. It seems to me that this is very much the position of affairs which they take; they insist upon it that they have a right to tax arbitrarily anything and everything which comes into the place; that the only limit in the matter is legislation, and I confess that I am utterly at a loss to know where the constitution of this realm warrants any such position of affairs, irrespectively of legislation of course.

1833. I believe they claim it by a grant from the Crown?—It is rather difficult to know how they profess to claim it; sometimes they claim it by prescription, and then they claim it under some grant which has been made by the Crown to the Corporation of London, from the Corporation of London to the Molyneux family, and from the Molyneux family to the Corporation of Liverpool. But I apprehend that whether it comes from the Crown or not, still the question arises, What was its inception? What was the origin of it? Could the Crown grant a power to tax any of these matters arbitrarily? I maintain that no such power exists.

1834. You maintain that the Crown had no such power of itself to grant?—I maintain that the Crown had no such power, and, if it had such a power, then I maintain that what has been done is not in accordance with it, because, whether it comes from grant or whether they put it upon prescription, it is precisely the same thing in my mind, namely, that it is necessary to lay a foundation for it. You lay that foundation in this way, that there is a something or other which is put upon parties in the way of obligation, and as a return for the dues which they are authorised to raise; that when they disclaim that obligation they knock away the foundation upon which those dues are raised. Then comes this further question, Could the Crown at the present day grant a right to tax goods coming into any port? If it can be done at all, it could be done in the Port of Liverpool by saying that there should be a large amount. If they could over-ride the rights of the subject in former days, they could over-ride the rights of the subject now, and they could say that they were entitled to come, and insist upon it, that there should be tolls received by parties at the present day. Now, I apprehend that that is a matter which will at once bring it home to the mind of everybody that no such power, in fact, exists. The Crown has not that power. They would come to Parliament, as a matter of course, if it were in the slightest degree attempted to impose a tax. Then there is this further matter, it must have been a something or other which was granted. But this new mode in which they levy it is variable from time to time. Then it must have been reasonable, and the question is, whether or not the sums which are at this present time exacted by the Corporation of Liverpool would have been reasonable, when it is supposed that that grant was in existence. The value which they get every now and then in the shape of taxation would have been the value of the entire cargo of a ship; so that I assume that, in the absence of legislation, this would be wrong, it could not be sustained; first, because it is not immemorial; next, because it is uncertain; and next, because it is unreasonable.

1835. The question may arise, if you think that this title is bad, why do you not contest it in a court of law?—It is very nice to contest a thing which has been environed with difficulties by legislation, and also to contest a thing with a corporation with a pocket full of money, our money, in point of fact; and we should have to fight it out of our own pockets.

1836. What do you mean by its being encumbered by legislation?—That there have been from time to time Acts of Parliament passed, and that, though they have not expressly recognised these tolls (for I believe they are never mentioned in any Act of Parliament as being entitled to be taken), still there has been a quantity

quantity of legislation passed with regard to the Port of Liverpool, the effect of which would be very seriously to embarrass the trial of this question, supposing it were tried.

1837. How would the legislation embarrass it?—Various things have been from time to time authorised to be raised upon the revenues of Liverpool, and very large sums have been raised upon those revenues, and these are part and parcel of them. The inference would necessarily arise that there had been something or other in the shape of title at that time, which was fairly before Parliament; but it must be recollected that when Liverpool came from time to time to Parliament for the purpose of legislation, they always came one-sided; there was nobody to look to it on the part of the public.

1838. Mr. *Headlam.*] Supposing the title to be as you say, perfectly bad, could the fact of money having been raised upon that title make it any better?—Certainly not, *per se.*

1839. How could the fact, as you say, of a considerable quantity of money having been raised upon it, raise an inference in its favour in any way in a court of justice?—For instance, in the 92d clause of the Municipal Corporations Act, there are words which may be considered to have included these dues; the words "dues" and "tolls," and so on.

1840. Have you that clause?—No.

1841. Can you recollect what argument is to be adduced from it?—In the early part the words specially occur that all dues, monies, interest, and so forth, shall be vested in the corporations to whom they are by that Act transferred; and in the latter part of the clause there is an express proviso that nothing shall be deemed to prejudice those rates, tolls, and dues.

1842. Could that make a perfectly bad rate or tax good?—No, I do not think it would.

1843. Do you think there is anything that would?—I am not sure about that.

1844. Can you give me any Act of Parliament which you can really say would have the effect of making this due good, supposing it were bad without it?—I do not know that I can.

1845. I think it has been tried in a court of law?—It has not been tried in a court of law; that is to say, it has been apparently tried in a court of law.

1846. You say that this due being absolutely bad, yet you, the people of Salford and Manchester, having suffered from this great grievance for this length of time, have never thought it worth while to try the question?—The question of its being bad has been one only of late years mooted. Until after the passing of the Municipal Corporations Act there were no bodies in the neighbourhood who took note of these matters, and what was everybody's business was nobody's business, and unfortunately that also has lasted for a considerable time subsequently; but within the last few years the matter has been examined into; the question has been fairly discussed from time to time; attempts have been made to bring the facts before the notice of Government and of Parliament, and those attempts, of course, have put everybody on the *qui vive.* We are now endeavouring, if we can, to show that it is improper that we should be taxed when we got nothing from it in return, so that there is no necessity for it.

1847. Mr. *Hardy.*] Can you point out any Act of Parliament which at all recognizes the title of Liverpool to these town dues?—I have not read the Liverpool Acts of Parliament. I understand that there are Acts which would be considered as embarrassing the question.

1848. You speak merely generally, without investigation?—Without investigation upon that particular point.

1849. *Chairman.*] Is not one of your principal objections to these town dues, that they should be attended with some consideration to the public for them?—Certainly.

1850. Have not the Acts of Parliament to which you allude removed the town dues from that consideration, and put them into the dock dues?—I understand so.

1851. Does not that in some degree embarrass the question of consideration?—Yes; there is some difficulty about it. I do not know exactly how it would be dealt with, but there it is. I should consider that it was necessary at the commencement of the matter that there should be some duty to be performed,

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and that obligation has been thrown on to something else. I think that that rather interferes with the substratum of the right.

1852. Mr. *Horsfall.*] Will you specify the obligation from which any Act of Parliament has relieved the corporation, and thrown it upon the docks?—There is no written obligation on the subject, for this reason, that you cannot see what was the original grant. You are left to the question of prescription, but I apprehend that it is essential to the validity of a toll of this description, that there should be some duty to be performed in respect of it originally.

1853. You are now merely assuming that there was an obligation, but you spoke just now of certain Acts having relieved the corporation of obligations, which obligations had been thrown by those Acts upon the dock estate. I ask you to specify what those obligations are?—I think there is one of the Acts of Parliament which rather recites that certain matters were required to be done, and that their funds at that time were not sufficient for the purpose; and therefore they asked the aid of Parliament to come in, and enable them to do these things, and to take tolls and make charges in return for them.

1854. Will you be good enough to refer us to that Act?—I have not got the Act; it was one of the first Acts obtained.

1855. Mr. *Headlam.*] Is there any Act which recognizes that there shall be an arbitrary power in the corporation?—I am not aware that there is, and I hope that there is not.

1856. Then if there is not, what necessity is there for any legislation upon the subject, when you are competent to upset all these dues at common law?—There is the difficulty which I have pointed out, that you are asked to fight a rich corporation with your own money on both sides of the question.

1857. That is the only objection, the cost of the trial?—There is the natural hope that the matter having now been brought before the notice of Parliament, it is so gross (I think I may use the word) a charge that it will be got rid of.

1858. Do you think it is worth while passing an Act of Parliament when it only prevents just the cost of an action at common law?—A vast number of Acts of Parliament are passed.

1859. Do I understand you rightly that the extent of the grievance is, that you would be put to the cost of an action at law in order to get rid of it?—No; I do not know that. I said that I thought the subject was a good deal embarrassed by legislation, and not professing to point out precisely in an examination of this kind what those difficulties are, I have not the slightest doubt that when the matter came to be put before counsel we should find a very great difficulty, and that it was embarrassed by various questions.

1860. Mr. *Hardy.*] What amount, in your judgment, is paid by the people of Salford towards the Liverpool town dues?—It is an impossibility to state that.

1861. Can you form a judgment on the point?—It is not possible to state it.

1862. It has been done by some of the towns?—I should consider it an impossibility to state it.

1863. *Chairman.*] Do you think that this is a subject with which Parliament ought to interfere?—I should consider that is was; Parliament has interfered with property of this description in the Municipal Act; with rights or assumed rights which were at that time assumed to exist.

1864. Mr. *Headlam.*] How did it interfere with them?—Prior to the Municipal Corporations Amendment Act, corporations at large had a right to deal with property vested in them as they chose, and some of them did so, and dealt with it for the individual benefit of some of their members apart from the public; Parliament did not allow that to interfere with the question of the general amendment of the law, and the appropriation of those funds to the purposes, for which the fair inference was that they were originally granted.

The Witness was directed to withdraw.

The Witness was again called in.

1865. *Chairman.*] Have you any further observations to make with regard to the operation of the Municipal Act?—I do not know that I have anything to add to what I have said upon that subject; Parliament at that time dealt with these various things, and I apprehend that Parliament would abrogate its functions if it considered that what was assumed to be then fixed, was not afterwards to be altered; thus if it should appear, as I think it may reasonably be supposed, that this question had been raised at the time the 92d clause was passed, that it was applicable,

applicable, and that the language would include matters affecting tolls and duties upon shipping, as probably it does, some provision would have been made for the proper application of those funds to the purposes to which they were originally devoted; I apprehend that the right of Parliament to deal with these questions so as to secure the public interest is indisputable, and that it was upon that occasion clearly sanctioned.

1866. Are not these dues the property of the Liverpool Corporation?—That again involves the question of the inception of them; if they were, as I contend they were, given with the intent to secure the performance of certain duties, then such as were originally given would be a property, and being a property they would be applicable in some way, and they must necessarily be dealt with; but my own individual impression is, that they are not that kind of property which the corporation could insist did belong to them; at all events it did not belong to them for the purposes to which they apply it.

1867. Mr. *Headlam.*] You say that you think these dues were originally granted to the Corporation of Liverpool for some particular purpose?—No doubt they were originally granted with some duties attached to them.

1868. Have you the smallest evidence at to the existence of those duties, or what they were?—I think the corporation themselves, in some of their proceedings, have admitted what their duties were.

1869. What were they?—They have stated, I think, in some of their proceedings, that they themselves were liable to great costs and charges in various matters connected with the Port of Liverpool, and that therefore they were entitled to have them.

1870. Have they not paid any costs and charges with respect to the Port of Liverpool?—They have paid heavy costs and charges, but they have come to Parliament for power to obtain the money in another way, and they have, as I consider, shirked the original obligation.

1871. Where do you find the original obligation?—I apprehend it is a matter of common law.

1872. Then there is no trace in the original grant of any obligation of this description?—There is no doubt that if that grant were now produced, an obligation would be found, and in the absence of the production of the grant there must necessarily be one inferred.

1873. *Chairman.*] Do you allude to some proceedings of the corporation towards the end of the 17th century, when they set out their title?—The corporation upon two occasions, one of them in a dispute with London, and the other with somebody else, as I understand, set out their title, a different one from what they now set out, and they then and there did admit and assume that there were obligations upon them.

1874. Mr. *Headlam.*] You think that there were obligations originally imposed, and that those obligations still continue?—If they are to retain the tolls the obligations ought to continue, but they have repudiated the obligations.

1875. As a matter of fact, do you consider that at the present moment there are obligations upon the Corporation of Liverpool incident to the receipt of those dues?—If they are now rightly entitled to receive those dues there are obligations upon them.

1876. So that the Municipal Corporation Act has not destroyed any obligations which originally existed?—I do not see very well how it could; if it did, it would be under some misapprehension, and, very likely, without having the facts and circumstances sufficiently brought before Parliament; I cannot conceive that Parliament would have put those tolls into the hands of the reformed Corporation of Liverpool, and had said that they are not to perform the duties.

1877. As a matter of fact you are not aware of any words in the Municipal Corporation Act which should absolve the corporation from the performance of any duties to which they were liable previously to the passing of that Act?—I am not aware of any.

1878. *Chairman.*] How are the dues to be applied under the Municipal Corporation Act?—For a very different purpose from that for which I conceive they were originally granted; because it says that they are to go in aid of the borough fund; to that extent therefore those dues, such as they are, are diverted from their original purpose.

1879. Mr. *Headlam.*] Is it your view, that supposing there was any specific trust or obligation incident to those dues, that obligation would still continue,

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although the surplus, after the performance of that obligation, might go to the purposes named in the Municipal Corporation Act?—Yes, I think so.

1880. Mr. *Watson.*] What do you suppose to be the origin of dues of this nature; is it by a grant from the Crown?—Yes; there must have been a grant from the Crown originally.

1881. Had the Crown these dues before the grant; is that your supposition?—No, my supposition is that the Crown had no power to grant dues to the extent now insisted upon by the Corporation of Liverpool.

1882. Do you suppose that the Crown had these dues in it before it granted them, or that it created them by the grant?—The Crown has granted the manor of Liverpool with its appurtenances, and that I apprehend is a very different thing from what is now claimed by the Corporation of Liverpool; I do not know that the Crown had the right itself to do that, because we know that parties may have power, and yet not have an interest.

1883. Do you suppose that the Crown had these dues in it before it granted them, or that it created them by the grant?—No doubt it defines them by a grant.

1884. Is not this the law, that the prerogative of the Crown is to create a port, and incident to that port the right to take certain dues?—Probably.

1885. And that all those dues were in the Crown, and that in a series of years in various places the Crown having the port, and having the dues, has granted those dues for considerations to corporations and private individuals; is not the origin that the prerogative of the Crown was to create a port, and to take certain dues as incident to that port?—Probably.

1886. And do not we find in various places, that from time to time kings having the port and the dues, have granted them out for certain money considerations to individuals and corporations?—Probably, but still that is not the case.

1887. Is it not the case that very often the original grant from the Crown has been lost?—Yes.

1888. The mode in which it has been proved, is by proving the receipt for a vast number of years, say for 300, or 400, or 500 years?—Yes.

1889. And from that a grant from the Crown is presumed to have taken place before the time of Richard the First?—Yes.

1890. Am I to understand you to say, that the king could not legally create a port and take dues?—No.

1891. Or that he could not legally grant those dues?—No.

1892. Then what was there illegal in King Charles the First, or Charles the Second, granting these dues to the Port of Liverpool?—What dues?

1893. The corporation dues?—I deny that he did grant the dues now taken.

1894. Is it that they did not pass by that grant, or that they did not exist before the grant?—I say that these dues did not exist before the grant.

1895. What dues?—These dues now levied by the Corporation of Liverpool.

1896. Were there heavy customs before that time?—I dare say there were.

1897. How can you prove that they were not collected before that time?—For this simple reason, that the money value of the dues at present asked is more than the value of the cargo of a ship would have been in those days; I assume the law upon this matter to be analogous to the law with regard to the question of tithes; you cannot show that a large amount will be good as a *modus*, because *ipso facto* upon its face it is rank and bad.

1898. Do you consider that there has not been so much as 2*d.* a ton raised by tolls in the various ports of England from time immemorial; have you ever examined the grants of the ancient kings?—No, I have not.

1899. And you assume that 2*d.* a ton upon goods brought in could not have existed from the time of the creation of these ports?—I do not know what the amounts are.

1900. Do you assume like a rank modus, that 2*d.* a ton or 3*d.* a ton is so enormous, that it could not have been the toll at the time of the creation of the port?—I think it very likely that 3*d.* would be rank; take a ton of salt at that time of day.

1901. Was salt imported; take a ton of salt?—Take a ton of anything that was not valuable.

1902. Take those things which were valuable; I apprehend that you consider that

that the rates would be in the nature of a rank modus?—I consider that the present rates are in the nature of a rank modus.

1903. Are you aware that after a toll is created new goods which have never been brought into the country before, still are liable to the ancient duty?—I am not aware of that.

1904. For instance, supposing timber had never been imported into England or into the Port of Liverpool till 1855, are you not aware that a general toll would apply to the new commodity brought in?—My impression would be, that it must be something which could have been brought in at the time of the grant.

1905. Are you aware of the case of the Trinity House of Newcastle, where the very question was decided?—I am not.

1906. Your opinion is, that though it could be shown that these dues had been paid long antecedently to the grant to the Molyneux family, still you would consider them rank?—I apprehend that you cannot show the same dues to have been paid as are paid now; it is necessary that there should be identity and continuity.

1907. Supposing there are dues of 2 *d.* and 3 *d.* a ton, and that you show the payment long antecedently to the grant of Charles the First or Second; at what time do you limit the right of the Crown to grant?—The port itself, I believe, was created by virtue of a commission acting under an Act of Parliament.

1908. When was that?—About the reign of Charles the Second, I think.

1909. Why do you suppose that it was not a port before?—That is a very different question; there is no doubt that there was a port in the creek of Liverpool before that; but the port as it now stands, and in respect of what they claim, is of very modern existence.

1910. Then would you consider the 2 *d.* and 3 *d.* created in the time of Charles the Second, unreasonable upon the creation of the port at that time?—No; I should think not. I am not aware that 2 *d.* and 3 *d.* are the sums they at present take; and I apprehend it is not sufficient to say, that 2 *d.* and 3 *d.* were the right amounts in Charles the Second's time, and continued, say till George the First; and that since then they have been different, because that shows at once an uncontinuity which would vitiate the right.

1911. Supposing there is a right of the Crown in the reign of Charles the Second to a toll of 2 *d.*, 3 *d.*, or 6 *d.*, would the remission of a part of that at the time of George the First, and from the time of George the First downwards, at all affect the validity of the toll?—I must ask what you mean by the word "remission."

1912. Suppose 6 *d.* had been the toll, and that it was only 3 *d.* from a certain time downwards?—I think it would.

1913. Supposing a clear title to a 6 *d.* toll was proved, but that the amount taken from a certain time was only 3 *d.*; in what way would that affect it?—I think, unless there was something done expressly to keep alive the larger amount, it would be considered that it was gone.

1914. Is it not the case that when you are speaking of an immemorial toll, if there is evidence of a variation it is for a jury to say whether that evidence is good or not?—I think you will find it laid down that a suspension for 10 or 20 years would not vitiate it, from which I infer that a suspension for any such period as you are now mentioning would vitiate it.

1915. Is it not thus: that where there has been a suspension for a great many years, it is merely evidence for the jury to draw the conclusion that it has been put an end to by some legal right?—No; I think the books go further than that.

1916. Can you give any instance of the grant of a toll to a Trinity House, or to a corporation by the Crown, where there has been annexed to it a trust, or an implied trust, that all that money shall be spent upon shipping?—I do not know any such instance, and if I did, it is not analogous to the present one.

1917. What is there in any document which you have ever seen to show that these tolls were clothed with any trust?—There is nothing in any document which I have seen; but my reading of the law is, that it is essential that there should be that trust; that there must be some duty performed in return for that.

1918. Or is it not that there must be a consideration?—It is the same thing.

1919. A trust to apply a toll and a consideration for the grant of a toll are different?—It is not pretended that there was a consideration in gross given for this.

1920. Is your great objection that these tolls are not applied to the proper purposes to which they ought to be applied?—That is our objection.

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1921. Can you refer me to any law book, laying down the principle which you advise?—I will refer you to "Cruise's Digest," under the head "Prescription," chapter 1, sections 6, 10, 21, 25, 28, and 36. The 6th section speaks of a prescription to incorporeal hereditaments, and states that it must be by immemorial usage. The 10th section states that it is only to such hereditaments that prescription by immemorial usage extends, and that, in general, it is only for things which may be created by grant, and that the presumption is that it had a lawful beginning. I apprehend that that lawful beginning means that you must look to things as they existed at that particular time, and that, if you can come to the conclusion that the present amount cannot possibly be the amount which was paid at the commencement, and that a different one is now received, there is an end of the prescription. The 21st section says that it must be from time immemorial, which, I need not say, is from the time of Richard the First. The 25th section says that it is to be a continued and peaceable enjoyment, but that an interruption for 10 or 20 years does not vitiate it. As I said before, my principle is, that if it is for a long period, it looks like a vitiation.

1922. It breaks the prescription; but if you produce a grant, it is otherwise?—If you produce a grant, that is a very different thing. If you produce a grant for these large and uncertain amounts, then I deny the right of the Crown to grant them, because that is usurping the powers of the three Estates. If it is a question of prescription, it must be certain; another requirement is that it must be reasonable.

1923. Is there any authority applying to a case of this kind, that where you create a toll, the toll, to have a legal origin, should be appropriated in a particular way; does Cruise lay down that?—No; I think he does not go to that.

1924. That is to say, the toll having a legal origin, and being received, is there any presumed or implied trust annexed to the grant?—It was a very old edition of Cruise which I had the opportunity of referring to this morning; but I think the modern one goes a little further, and I will supply the information further. I think you will find that it is necessarily inferred that there was some obligation.

1925. Consideration?—Or consideration.

1926. Mr. *Headlam.*] Is your proposition that a grant from the Crown to a body owning a port, of dues of this description, is void unless there is an obligation?—Yes, I think it is.

1927. Mr. *Horsfall.*] I think you stated to the Committee in the outset that these dues were levied by the corporation arbitrarily without limit?—Yes.

1928. Are you not aware that a tariff is published in accordance with which those dues are levied?—There may be tariff at the present moment, but it is a very different one from what was in existence a few years ago.

1929. You stated, I think, that these dues were levied arbitrarily without limit?—Yes.

1930. If there is a tariff, and they are levied in accordance with that tariff, do you still maintain that they are levied arbitrarily without limit?—Certainly, unless that tariff can be shown to be the same that was always acted upon, because the mere circumstance of putting it into the shape of a tariff does not alter the question of its being arbitrary.

1931. But if they are levied in accordance with that tariff, are they not levied in accordance with some limit?—Yes; but that tariff, by variance, shows from time to time that it is illimitable.

1932. Are you prepared to show that it has been varied?—I have not the evidence, but I believe there is no difficulty whatever on the subject, and that it is an admitted fact that it is done from time to time.

1933. Are you aware that a tariff was put in before the Commissioners on their examination at Liverpool?—Yes, I have heard so.

1934. Are you aware of any variation from that tariff since that time?—I do not know; but that the tariffs upon which these dues are levied have been from time to time varied, I believe it is an indisputed fact. And moreover, when you come to an article which is not in the tariff, then I say that it is arbitrary and without limit.

1935. Presuming that a tariff was put in, as it was put in before the Commissioners, and that the corporation have levied their dues in accordance with that tariff ever since, are you justified in saying that the corporation now levy their dues arbitrarily, and without limit?—Yes, because there is no obligation on their part

part to retain the same tariff; they have altered it before, and they may alter it again. And I think it will be found, unless that tariff has been put in within a very short period (I do not know to what particular one you refer), that the tolls at Liverpool are not levied in exact accordance with it.

1936. The question which I put to you is this: the fact is well known that a tariff was put on at the examination by the Commissioners at Liverpool?—Two or three years ago.

1937. Three or four years ago. Presuming that the corporation continue to levy their dues, and have done ever since, in accordance with that tariff, are you justified in saying that the corporation now levy their dues arbitrarily, and without limit?—Yes, for the reason which I have given, namely, that that tariff is not the same as was previously in existence, and if they altered it, and had power to alter it then, they have power to alter it again.

1938. *Chairman.*] It is a limit self imposed, which may be taken away?—It is a limit self imposed.

1939. Do you think that any one could prescribe for a tax on guano?—No.

1940. Or gutta percha?—No.

1941. Mr. *Headlam.*] Do you think that any one could claim a tax by grant on guano?—I do not think they could.

1942. Supposing there was a grant to levy a due upon every article imported, do you think that that would be void?—Yes; I think it would be.

1943. At whatsoever date that grant was made?—Yes.

1944. And to whatsoever obligation it was subject?—I think where there are fresh articles and things of modern introduction, those would not be covered.

1945. Have you any authority for that proposition?—I argue from analogy to the question of modus; you cannot prescribe for a modus upon potatoes, simply because they were not known in Europe at the time to which prescription must be carried back.

1946. I am not talking of prescription, but of an absolute grant?—I do not understand where the right was on the part of the Crown to grant anything except where the Crown had the property; the Crown had the property in the manor of Liverpool, but I deny the right of the Crown to levy anything, or to authorize any other person to levy anything, upon any property other than such as came into that same manor of Liverpool and its precincts.

1947. What was the authority of the Crown to grant a due upon any article at that time?—If a man has an estate and chooses to say, "Nothing shall come into this property unless it pays a certain amount," I apprehend that he is justified in saying so.

1948. Is it not the same thing to say, that nothing shall come in without paying such-and-such an amount, and to say everything which comes in shall pay such-and-such an amount?—Yes, but there is this distinction; one is merely as regards the property in the township of Liverpool, the old manor, and you are levying upon anything and everything that comes all over the Port of Liverpool miles away.

1949. You say that it would be lawful to determine that nothing should come in, excepting upon the payment of certain dues?—Yes, you could say, "Nothing shall come into my property so long as it remains my property, excepting upon the payment of certain dues."

1950. And that would be good?—There may be this question, whether it would not be contrary to the public benefit.

1951. *Chairman.*] You say that a man cannot prescribe for a modus upon potatoes?—He cannot.

1952. Does not all prescription imply a grant?—Yes.

1953. That must be founded upon the principle that there could not have been a grant?—Yes, because the thing was not known.

1954. Would not that go to this extent, that no grant could be made of things not known at the time of making the grant?—It looks like it, the analogy seems so to be.

Alexander Newlands, Esq., called in; and Examined.

1955. *Chairman.*] WHERE do you reside?—At Liverpool.

1956. What is your occupation?—A general merchant trading with the Baltic, and the Dutch and German ports, and the Mediterranean.

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1957. What is the nature of your business principally; in what articles?—We are general exporters of colonial produce, and exporters also of salt.

1958. Has your attention been drawn to the Liverpool town dues?—It has.

1959. Have you anything to complain of in them?—I have to complain of the charge made on salt, which I consider excessive, it being 6*d.* per ton on an article costing 10*s.* at the Port of Liverpool; that is equal to 5 per cent.

1960. Five per cent. on the value at the port of exportation?—Yes.

1961. Do you consider that that has injurious effects upon the trade?—I consider that it has that tendency, to check the expansion of the trade.

1962. Do you send your salt by sea?—We do.

1963. To the Baltic?—To the Baltic.

1964. Are you exposed to any competition in the ports to which you send it?—Yes; we are exposed to competition by works established upon the Mediterranean, at Cadiz, Lisbon, St. Ubes, and other places in the south, and at Lunenburg, and the extensive salt mines in Poland, and other places in the north.

1965. Is the trade prospering or declining, or in a stationary condition?—The trade has been increasing for some years.

1966. Is there any other article which you export upon which you have any observation to offer?—No; excepting that I object, in general, to the levying of town dues upon articles imported and exported at the Port of Liverpool. I think it would be greatly in the interests of trade if a compensation was made to the town of Liverpool for these dues, and the dues altogether abolished. I think that that would remove a serious grievance which we have to complain of, not only in regard to the amount of the dues, but the exemptions, and the odious distinctions made between freemen and non-freemen, the freemen being altogether exempt from the payment of these dues.

1967. Do you find that that gives the freemen an advantage in business?—We find that it gives them a monopoly of certain branches of business, and in every case a considerable advantage over non-freemen; it amounts, in the case of salt, as I have already stated, to five per cent., which enables them at all times to obtain a good profit on that article, and to undersell other merchants.

1768. You are an inhabitant of Liverpool?—I am.

1969. You state that you think that compensation ought to be given?—I do.

1970. Can you suggest any scheme of compensation which you think would be just?—I cannot conceive any one, excepting a Government compensation; I have heard since I came into this room that these dues have been secured to the town, or indicated as such, in the Municipal Act.

1971. If there was no title to them, of course there would be nothing to be compensated?—Just so.

1972. But supposing Liverpool has a legal title to the dues, you think it ought to be compensated?—Yes.

1973. Have you any suggestion to make as to the basis upon which we should go to work?—I think if they have a title to these dues, and that title has been recognised by an Act of Parliament, compensation ought to be made to them by Government.

1974. In what way?—I am not able to say.

1975. You have not considered that?—No.

1976. Who do you think should be the recipients of the compensation?—I am not able to say; I conceive that the compensation ought to be secured in lieu of the town dues, they having been given as security for certain sums of money borrowed for town improvements.

1977. You think that the creditors ought to be paid?—Or the money lodged as a guarantee.

1978. Do you think that these dues are an unmixed benefit to the town of Liverpool?—No; I have already stated that they give rise to unjust distinctions and advantages between freemen and those who are not freemen; and I think, besides, that they are an incumbrance on trade; I think that the export and import business of Liverpool would be greatly simplified if these dues were altogether abolished.

1979. Do you think that the abolition of them would not be a total loss to the town, that there would be something gained in the facilities given to trade?—To a degree I think there would; I may mention that a considerable business is now doing in the export of salt from the Port of Hull, where there are no town dues charged,

charged, and I believe that that business will go on increasing yearly; there is no question but that the heavy dues on salt at Liverpool, and in particular the Weaver dues, which amount to 1*s.* per ton, will have a tendency to drive that business very much to the ports on the east coast of England; Hull, and Grimsby, and Hartlepool.

1980. Is there any other matter which you would wish to state to the Committee?—No; excepting that I have to state distinctly that I object to the Weaver dues as well as to the town's dues; the Weaver dues are double the amount of the town's dues, and on an article of so small cost as salt I consider them excessive.

1981. You pay no borough rate in Liverpool, I think, do you?—Yes, we pay borough rates.

1982. Do you know what you pay annually towards these town dues?—On salt we paid 250*l.* last year, and on other goods about 100*l.*, making altogether 350*l.*, which we should have saved had we been freemen.

1983. Mr. *Watson.*] Do you attribute the fact of the salt going to Hull entirely to these dues at Liverpool?—Not entirely, but to some extent.

1984. To what extent?—Every burthen which salt is exempted from in Hull has a tendency to draw the export trade of salt to that quarter.

1985. Can you give me any instance where any person has taken his salt to Hull on account of the Liverpool dues?—I cannot.

1986. Do you not think that you can ascribe it to there being a railway communication between the saltworks and Hull, and great expedition and facilities for shipping the salt at Hull?—Unquestionably.

1987. And also to not having to go right round England, a very long passage, by which salt is exposed to great injury on board ship, it being a long passage from Liverpool to Germany, whereas from Hull the salt goes direct to the Continent?—The export trade in salt at Hull, and Grimsby, and Hartlepool, has arisen chiefly in consequence of freights being much lower from those ports to the Baltic than from the west coast of England; in consequence of this, arrangements and facilities have been afforded by railways for the conveyance of salt from the places of manufacture to those ports.

1988. Have you ever taken the trouble to ascertain the difference, in point of time, in taking salt from the saltworks to Hull and to the Baltic, in comparison with taking it from the saltworks to Liverpool, and round by the Land's End to the Baltic?—I have not, but I should think that the difference in time would be from seven to ten days.

1989. Not more than that; how long does it take to go from the works to Liverpool?—I must explain. The voyage from Liverpool to the Baltic is a longer voyage than from Hull to the Baltic, and I make an allowance of about seven days.

1990. Not more than seven days?—Not more than seven days, because vessels sailing from Liverpool find their way across; and although the distance is longer, it is more direct.

1991. Have you ever ascertained the difference, in point of expense, of the carriage by rail to Hull, and from thence to the Baltic, compared with the expense from the works to Liverpool, and shipping there, and going to the Baltic?—The difference is in favour of shipments at Hull and Grimsby, at times; that is regulated again by the freights.

1992. The freights are low and the railway charges are not high?—Not for a considerable distance.

1993. Laying aside the dues altogether, is it not vastly to the advantage of the merchant to ship his salt at Hull for the Baltic, instead of sending it from Liverpool to the Baltic?—It depends entirely upon the rate of freight payable at the Port of Hull.

1994. What is the freight from Hull to any port in the Baltic?—The freights vary; I can only speak of the tendency.

1995. Take any particular data; give us the freight of a ton of salt from Hull to any port in the Baltic that you choose; take Stettin?—A case like this occurs at times. The price of salt at the Port of Hull we will suppose is 16*s.* 6*d*; the freight from the Port of Hull to Memel is 7*s.*; that makes 23*s.* 6*d.* cost and freight. The price of a ton of salt at Liverpool at the same period has been 10*s.* 6*d.*; the freight to Memel 13*s.*; making also 23*s.* 6*d.* If the salt was not subject to the Weaver dues of 1*s.*, and the town's dues of 6*d.*, we should be able

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to ship that salt at 22*s.*, and thereby exclude the trade at such a period as I have mentioned from the ports of Hull and Grimsby.

1996. Is there not a great advantage in getting in a shorter time out there?—Not always.

1997 The longer the voyage the more doubtful the length of the voyage will be?—Unquestionably; but the difference of 1*s.* 6*d.* in freight would be considered a greater advantage than the saving of time.

1998. At what particular time were the freights 13*s.* from Liverpool to Memel, and 7*s.* from Hull to Memel?—Last year; I cannot say exactly at what part of last year.

1999. You have ascertained those?—Yes; we have had the case frequently before us. I cannot put my finger upon any particular period, but we have made the calculation frequently.

2000. Mr. *Horsfall.*]—You mentioned that you had paid 250*l.* last year to the town's dues?—£. 250 on salt; we shipped 10,000 tons of salt last year.

2001. What portion of that was on your own account?—None. We contract to supply salt at a certain price, cost and freight; if we had been exempted from the payment of the dues, of course we should have benefited to that extent.

2002. Notwithstanding this payment, the export trade of Liverpool has increased?—Yes.

2003. You are perhaps not aware of the fact, that the value of the exports from Liverpool exceeds that of the whole United Kingdom, including London, Scotland, and Ireland?—It is probable; I am not aware of the fact.

2004. Mr. *Duncan.*] You say that you shipped 10,000 tons of salt last year from Liverpool, paying 6*d.* a ton town's dues?—Yes.

2005. Had you been a freeman, you would have saved those 10,000 sixpences?—Yes; and I know of freemen who have saved a much larger amount, and have been able to exclude us from the Baltic trade for years.

2006. Mr. *Hardy.*] I understand that you have not considered any definite plan for compensation?—No.

2007. Mr. *Vance.*] You have spoken of the exclusive privileges of freemen, how many of them are engaged in the salt export trade?—Perhaps two or three; but freemen enjoy great advantages in other trades as well as the salt trade.

2008. Mr. *Headlam.*] Is there any mode by which you can become a freeman?—None.

Joseph Heron, Esq., called in; and further Examined.

J. Heron, Esq.

2009. *Chairman.*] DO you produce some returns which were called for by the Committee?—Yes, I have a statement; I must remind the Committee again that there are the following townships within the municipal boundary of the city of Manchester.

2010. These are returns with reference to the rates?—Yes, and I am obliged to give a return as to the rates in each township as they vary. There are the townships of Manchester, Chorlton-upon-Medlock, Hulme, Ardwick and Cheetham.

2011. Mr. *Horsfall.*] For what year is this return?—It extends to several years, 1851-52, 1852-53, 1853-54, and 1854-55. There is a small extra-parochial district called Beswick, included within the municipal corporation, but that small district is peculiarly situated, and I thought it would rather confuse the return than otherwise, if I added that small district to it. From peculiar circumstances the rates in that small locality are very heavy; for instance, the highway-rate is 2*s.* 6*d.* in the pound from the mere accident that there was a turnpike trust running with an extensive road through that small district, and the expense of keeping that road in repair was thrown upon that district; there is a very small amount of rateable property in it, and therefore the highway-rate is very heavy. In the township of Manchester we have a poor-rate, which is made for the ordinary purposes, and which, as the Committee are no doubt aware, includes the borough-rate; the borough-rate in all cases is received by the town council from the overseers of the different townships, and it forms, in fact, a part of the poor-rate, and is raised as a part of the poor-rate; there is a township-rate which exists in each of the townships, and that rate is made for such purposes as lighting, scavengering, &c. There is a highway-rate which is for

for the ordinary purposes of highways, and there is also a public water-rate which applies to the whole of the city, and which is a rate for public purposes.

2012. Mr. *Vance.*] Is there no mode of distinguishing the difference between the amount of the poor-rate and of the borough-rate?—I am prepared to tell you in each year what the amount of the borough-rate was.

2013. *Chairman.*] They are levied together?—They are levied together; the borough-rate therefore forms a part of the poor-rate, but I shall give information as to what the amount of the borough-rate was in each year. In 1851–2 the poor-rate was 4*s.* in Manchester; the township-rate was 8*d.*, the highway-rate 6*d.*, and the water-rate 2*d.*; the total amount being 5*s.* 4*d.* In 1852–3 the rates were the same, making again a total of 5*s.* 4*d.* In 1853–4, the poor-rate was 3*s.* 6*d.*, the township-rate 8*d.*, the highway-rate 6*d.*, and the water-rate, 2*d.*, making the whole amount 4*s.* 10*d.* In 1854–5, the rates were the same, again making a total of 4*s.* 10*d.* In Chorlton-upon-Medlock the poor-rate in 1851–2 was 2*s.* 3*d.*, the township-rate 8*d.*, the highway-rate 4*d.*, and the water-rate 2*d.*, making a total of 3*s.* 5*d.* In 1852–3, the poor-rate was 2*s.* 6*d.*, the township-rate, 8*d.*, the highway-rate 5*d.*, and the water-rate 2*d.*, making a total of 3*s.* 9*d.* In 1853–4, the poor-rate was 2*s.* 6*d.*, the township-rate 8*d.*, the highway-rate 6*d.*, and the water-rate 2*d.*, making a total of 3*s.* 10*d.* In 1854–5, the poor-rate was 2*s.* 9*d.*, the township-rate 8*d.*, the highway-rate 8*d.*, and the water-rate 2*d.*, making a total of 4*s.* 3*d.* In Hulme, in the first year, 1851–2, the poor-rate was 2*s.* 4*d.*, the township-rate 10*d.*, the highway-rate 6*d.*, and the water-rate 2*d.*, making a total of 3*s.* 10*d.*; in 1852–3, the poor-rate was 2*s.* 4*d.*, the township-rate 9*d.*, the highway-rate 6*d.*, and the water-rate 2*d.*, making a total of 3*s.* 9*d.* In 1853–4, the poor-rate was 2*s.* 4*d.*, the township-rate 8*d*, the highway-rate 6*d.*, and the water-rate 2*d.*, making a total of 3*s.* 8*d.* In 1854–5, the poor-rate was 3*s.*, the township-rate 8*d.*, the highway-rate 6*d.*, and the water-rate 2*d.*, making a total of 4*s.* 4*d.* In the township of Ardwick, in the first year 1851–2, the poor-rate was 2*s.* 6*d.*, the township-rate 9*d.*, the highway-rate 6*d.*, and the water-rate 2*d.*, making a total of 3*s.* 11*d.* In the next year, 1852–3, the poor-rate was 3*s.*, the township-rate 8*d.*, the highway-rate 8*d.*, and the water-rate 2*d.*, making a total of 4*s.* 6*d.* In 1853–4, the poor-rate was 2*s.* 8*d*, the township-rate 8*d.*, the highway-rate 10*d*, and the water-rate 2*d.*, making a total of 4*s.* 4*d.* In 1854–5, the poor-rate was 3*s.*, the township-rate 10*d.*, the highway-rate 9*d.*, and the water-rate 2*d.*, making a total of 4*s.* 9*d.* In Cheetham, in the year 1851–2, the poor-rate was 2*s.*, the township-rate 6*d.*, the highway-rate 4*d.*, and the water-rate 2*d.*, making a total of 3*s.* In 1852–3, the poor-rate was 1*s.* 9*d.*, the township-rate 6*d.*, the highway-rate 9*d.*, and the water-rate 2*d.*, making a total of 3*s.* 2*d.* In 1853–4, the poor-rate was 1*s.* 9*d.*, the township-rate 6*d.*, the highway-rate 9*d.*, and the water-rate 2*d.*, making a total of 3*s.* 2*d.* In 1854–5, the poor-rate was 2*s.*, the township-rate 8*d.*, the highway-rate 8*d.*, and the water-rate 2*d.*, making a total of 3*s.* 6*d.* As I have already stated, the borough-rate is included in, and forms a part of the poor-rate, and to raise the account required from the overseers by the council during the year 1851–2, a rate of 1*s.* 6½*d.* would be required. In 1852–3, a rate of 1*s.* 8½*d.* In 1853–4, a rate of 1*s.* 6¾*d.*; and during the year 1854–5, a rate of 1*s.* 9½*d.* in each township. The township-rate includes the expenses of lighting, scavengering, &c. The water-rate is for public purposes, and is altogether independent of any amount paid for water supplied for domestic purposes. In addition to the rates which I have just stated, large amounts are annually expended by the corporation in sewering and paving new streets, the expenses of which, under the local Acts in force, are repayable, and in fact, are repaid by the owners of the property in such streets. During the years 1833 to 1854–5 (both inclusive), the sum of 291,162*l.* has been so expended within the township of Manchester. From the year 1840 to 1855 inclusive, 88,445*l.* 10*s.* 6*d.* was expended within the township of Chorlton-upon-Medlock. During the years 1836–7 to 1854–5, both inclusive, 109,150*l.* 10*s.* 5*d.* was expended within the township of Hulme. During the years 1844–5 to 1854–5, both inclusive, 45,586*l.* 11*s.* 7*d.* was expended within the township of Ardwick; and during the years 1852–3 (when the paving powers were first obtained in this township), to 1854–5, the sum of 13,676*l.* 15*s.* 7*d.* has been expended within the township of Cheetham; making, in addition to all the rates, a gross sum of 548,021*l.* 8*s.* 1*d.*, which has been expended by the corporation in sewering and paving streets within

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within the city, which has been repaid by the owners of property within the last 20 years. A member of the Committee, I recollect, asked a question with respect to the ratable value; something like one-sixth is deducted from the gross annual value, in order to obtain the ratable value of the property within the city, and that deduction is, I believe, generally uniform in all the townships, or nearly so.

2014. Mr. *Hardy.*] Is that so both with respect to land and buildings?—I believe it is; I am not aware that there is any variation; but there is a very small amount of land within the city.

2015. *Chairman.*] Have you anything else to put in?—No.

2016. Are you at all acquainted with the constitution of the old Corporation of Liverpool?—I am afraid I cannot state it exactly; I could easily state it to the Committee, but not at the present moment. I have a general idea of it, but not so as to give exact information.

Jovis, 22° *die Maii*, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Mr. Hardy.
Mr. Milner Gibson.	Mr. Horsfall.
Mr. Watson.	Mr. Bouverie.
Mr. Headlam.	Mr. Duncan.
Lord Hotham.	Mr. Beamish.
Mr. Vance.	Mr. Fenwick.
Mr. Moffatt.	

THE RIGHT HON. ROBERT LOWE, IN THE CHAIR.

Mr. *Stephen Barker Guyon*, called in; and Examined.

Mr. *S. B. Guyon.*
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2017. *Chairman.*] YOU are a citizen of the United States?—Yes.

2018. You reside in Liverpool?—Yes.

2019. What kind of business do you carry on there?—A merchant and shipowner.

2020. Has your attention been drawn to the Liverpool town dues?—Yes.

2021. Have you anything to complain of with regard to them?—I complain as a contributor to the dues, of the dues generally, and of the dues upon the article of salt in particular.

2022. What is your complaint with regard to the dues upon salt?—The duty is excessive.

2023. Do you pay duty on other matters in your trade?—Yes.

2024. Upon cotton?—Cotton and bread stuffs, provisions, resin, cotton goods, iron, coal, and salt.

2025. Do you know what you paid last year in town dues?—£.500; rather less than that, I think.

2026. Is there a considerable export trade from Liverpool to America in the article of salt?—Very large; the export is about 300,000 tons annually to the States.

2027. Is there salt in America that comes into competition with it at all?—There are salt manufactories all over the country, and large quantities of salt are made in America that come in competition with the English salt.

2028. Where is the salt made in America?—In the States of New York and Virginia, and in the Western States from salt springs.

2029. How is the salt sent out to America; is it sent always as ballast?—Not always; we always want ballast for the ships; it is not sent out for any other reason than to make the freight on it; of course the idea is to make a profit.

2030. Do you often send out cargoes of salt?—Yes, North and South.

2031. Can you state what are the town dues that are paid on the export of salt to America; the amount per ton is 6*d.*?—Yes.

2032. What is the gross amount?—The gross amount is about 7,500 *l.*; that would be on 300,000 tons. I cannot say what quantity of that was exported by freemen; of course that would be exempt.

2033. Presuming that none was exported by freemen, the gross amount would be

be 7,500 *l.*?—Presuming that none was exported by freemen, it would be about 7,500 *l.*

2034. Do the Southern States of America import salt from any other quarter?—From Turks Island and St. Ubes; those are continental ports.

2035. Cadiz?—Yes; they get salt both for the North and South from all those ports.

2036. Then the Cheshire salt has a considerable competition to sustain in America?—Yes, it has a considerable competition to sustain from the native salt, as well as from other foreign salt.

2037. Does the price of salt limit the distance to which it can penetrate into the continent of America?—Yes, of course the river freight would be affected by the distance; the distance to which it could be carried up the river would be affected by the price of salt here, and the price at which it could be laid down in the shipping port in the United States.

2038. If the 6*d.* a ton were removed, it would penetrate further into the country?—Sixpence a ton would be 12½ cents in America, and the freights are cheap on the great rivers.

2039. Is there abundance of salt in America?—The salt springs are numerous there.

2040. How is it that the Americans do not rely on the native salt?—The cost of raising it and bringing it into the market is too great.

2041. And the high price of labour?—Yes.

2042. Then I presume this 6*d.* a ton acts as a duty in favour of the American production against the English production?—Of course.

2043. And therefore, will naturally accelerate the time in which the native American article can compete with the English one?—Yes.

2044. Mr. *Horsfall.*] Of course you are not complaining as a citizen of the United States, but as a resident in Liverpool?—As a merchant of Liverpool.

2045. *Chairman.*] Do you think the exporter derives any benefit from this due?—As a freeman he would of course; he would be exempt.

2046. The ordinary exporter?—The ordinary exporter would not derive any benefit from paying money out of his pocket.

2047. There is another charge beside the town due, is not there, payable on salt?—Yes, we pay the flat man 2*s.* a ton freight, and 1*s.* Weaver dues.

2048. So that this due comes upon other very heavy charges?—Yes; the Weaver dues and the town dues upon salt, are 1*s.* 6*d.* a ton.

2049. Mr. *Horsfall.*] The Weaver dues being double the town dues?—Yes.

2050. *Chairman.*] Do you think this due has any tendency to limit the demand in America for Cheshire salt?—It would increase the demand if there was a reduction in the price of salt here.

2051. You think that the American salt market is in such a state that a reduction in the price of salt would give rise to an increased demand?—Yes.

2052. We know that speculatively that is the general rule, but you think that would practically be the result?—Yes; 1*s.* 6*d.* is a very serious charge upon an article of so low a value.

2053. Do you consider that the Port of Liverpool gains by the imposition of this duty on salt?—No.

2054. Looking at it as a mere matter of prudence, do you think it is a wise duty?—I think not; I think it checks the demand for the article.

2055. You think that the sum obtained in town dues is not an equivalent for the injury sustained by checking the demand?—I think the increased demand would more than counterbalance the benefit derived from the town dues.

2056. Have you any observation to make about coal?—The town due upon coal is very much less than upon salt; I think it is only about 2*d.* a ton; the export of coal is very much more limited than the export of salt.

2057. The export to America?—Yes.

2058. Why is that?—On account of the mines in the States; coal is not an article in such general consumption as foreign salt is; the domestic coal is superseding it.

2059. Is coal exported to America to any extent?—Not to any very large extent; of Cannel coal there is a fair export for the purpose of making gas; beyond that the export is not very heavy; perhaps a few thousand tons a year.

2060. Have you any remark to make on the privileges enjoyed by freemen in Liverpool?—As a merchant of Liverpool I should complain of the rights of the freemen being used to my disadvantage there as a merchant.

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2061. How do those rights operate to your disadvantage?—That they can by their exemption from the town dues, both as purchasers and freighters, interfere with my business.

2062. How do the rights of the freemen interfere with you as a purchaser; will you illustrate that to the Committee?—In receiving an order from America.

2063. Is that the course of your business?—Yes; salt is to be laid down at a certain price, including all charges, at the port of delivery in America, and a Liverpool freeman has an advantage of 6*d.* a ton over me.

2064. Mr. *Horsfall.*] Can you state how many freemen there are who act in the capacity of exporters of salt?—I know two.

2065. *Chairman.*] They can sell at a profit of 6*d.* a ton cheaper than you can?—Yes, the freeman always has that advantage of me.

2066. Mr. *Horsfall.*] Notwithstanding, as you say, that he exports the salt to order received from America, the salt not being his own?—He agrees to deliver, we will say, at New Orleans at a positive price per ton on the quay at New Orleans; of course he has the benefit of his freemanship, because the article is his own until he delivers it at New Orleans.

2067. *Chairman.*] He can execute orders which you cannot?—Yes; he has the advantage of 6*d.* a ton over me; I have known orders executed by freemen interfere with the orders executed by non-freemen in the New Orleans market.

2068. Is not the tendency to take your constituents away from you and give them to freemen?—Most decidedly.

2069. With regard to freight, how does it operate?—Exactly in the same way. If a freemen is shipping salt to America, and I am doing the same thing, the freeman buys his salt, and pays the same price that I do, but by his freemanship he can give 6*d.* a ton more freight than I can, which is a commission on the ordinary rate of freight of 5 per cent.

2070. What is the effect of that?—That he can get shipping when I cannot, because he can give 6*d.* a ton more than I can.

2071. If I understand you, this duty operates as something more than a direct loss of money upon your business?—Of course it interferes with me as a shipping agent. I wish to stand as favourably of course with shipowners on the other side, as other people here; and I lose my character as a faithful agent, or as a good agent, because others are able to give better freight. I actually have passed a ship over to a freeman, one of our own friend's ships in my charge, because I could not get the freight that he had offered; and therefore I consider it to the advantage of my firm in America, that I should pass the ship over, and lose my commission for their benefit. I never could understand it until this question came up, but now I know the reason.

2072. Is there anything else that you have to state upon this subject?—No; I have to complain of the town dues. I think they ought not to be exacted; and I complain of the advantages that the freemen have over me.

2073. Mr. *Horsfall.*] Of the 500*l.* that you paid, how much did you pay on your own account?—Probably not over 100*l.*, perhaps not so much as that; I cannot say. I do not complain individually that it affects me more than others, but it affects my trade, I consider.

2074. I think you stated that the export of salt was about 300,000 tons?—Yes; that is to the United States.

2075. Can you state to the Committee what is the extent of the manufacture of salt in America?—No, I cannot. In the state of New York I think, they raise the most salt; the largest works are at Syracuse.

2076. Speaking as a citizen of the United States, it would be for the advantage of the United States that this due should continue, would it not?—I do not complain as a citizen of the United States, but I am here, and my principal business is with the United States. I complain as a shipowner that it interferes with my business, because it reduces the amount of freight that would otherwise offer for my ships, and therefore it is a check to trade.

2077. *Chairman.*] You think, although it is injurious to the town of Liverpool, it may be beneficial to the salt trade in the United States?—It may be beneficial to the State of New York and other States.

2078. Mr. *Beamish.*] Are you aware whether the quantity of salt exported to America has increased considerably during the past few years?—Yes, there has been a fair increase.

2079. Notwithstanding the 6*d.* charge?—Yes.

2080. Mr.

2080. Mr. *Horsfall.*] How do you think the town due acts injuriously, if the trade has increased notwithstanding?—The trade with the United States is increasing every year, but the trade in salt is scarcely increasing with the other branches of trade, I think. I think the Weaver dues and the town dues together are a very excessive rate for an article of so low a price, that scarcely is in value ever 8*s.* a ton, the outside price being 10*s.*; 6*d.* upon such an article as that must be a very excessive tax; were that off, it would induce a very much larger trade with the United States, because we could spread it over the United States.

2081. As a man of business, you would rather do away with the 1*s.* Weaver dues than the 6*d.* town dues?—If we are to have one or the other, I would do away with the Weaver dues of course; but just the same argument that does away with the Weaver dues would do away with the town dues. We do get something for the Weaver dues; I believe they spend about 2*d.* a ton in keeping the river in order, but the other 10*d.*, as I understand it, goes to the benefit of the county of Chester.

2082. Mr. *Duncan.*] You would not complain so much of the tax if you got something in lieu of it, I apprehend?—No, I do not see the benefit we get for the article of salt particularly; we never use the streets of Liverpool at all.

2083. You say, as a shipping agent, you cannot stand in competition with the freemen of Liverpool; that is to say, if a merchant in New Orleans sent you an order for 1,000 tons of salt to be delivered at New Orleans, a freeman has it in his power, either in freight or in price, to deliver at 6*d.* a ton cheaper, and have the same profit as you have?—He gives the same price for his salt, and giving the same rate of freight, he has 6*d.* a ton more than I have.

2084. That is sufficient to take the trade from you?—Yes.

2085. Mr. *Horsfall.*] It is in the shape of a protective duty?—Yes.

2086. You are advocates for protective duties in the United States, are you not?—No.

2087. Have you no protective duties?—We have had, but it has not been by the voice of the country; we claim both North and South to be freetraders, and I think that is the voice of the country; we have had protective duties there, I do not deny; and the State of New York protects its salt works.

2088. *Chairman.*] The protective duties that have been imposed in America are not against their own productions?—No, most decidedly not.

2089. Mr. *Headlam.*] The protective duty is not against freemen?—No, we are all freemen.

2090. The protective duty in Liverpool is not against the freemen?—No; it is against everybody else but the freemen.

2091. Mr. *Horsfall.*] Do not you think, if there is a demand for salt in the United States, that if the non-freeman does not send it the freeman will?—Yes.

2092. How do you think the existence of the town dues has injured the export trade?—I think the price would always check an advance with trade; I mean the price at which the article could be purchased in the market where it is raised.

2093. What I want to ascertain is this, whether the supply will not in all cases meet the demand; you say, that the existence of this due has checked exports; now, if the freemen have the power of exporting at an advantage over the non-freemen, will not the freemen meet the demand that there is in America?—The freemen sometimes will do so, but a very large part of the salt trade which is done with New Orleans is done by orders direct from New Orleans. As I said before, I have known those orders to come here, and they could not be executed by a non-freeman owing to there being a scarcity of ships, and he could not meet the prices a freeman would meet that demand at New Orleans by export.

2094. It does not check the export?—I think it has so far checked the export, that we should increase our export if there was a reduction of price.

2095. *Chairman.*] Does this privilege enjoyed by freemen reduce the price to the same extent, as if the 6*d.* was taken off altogether?—No.

2096. Whatever the difference is, it operates as a check?—Of course.

2097. Mr. *Headlam.*] How does it increase the price; does not the price of salt in America depend upon the price of the article in the world in general?—It depends upon the supply and demand in the world in general.

2098. How does this particular duty increase the price of salt?—It increases the price at Liverpool; it costs so much more on board here.

2099. Mr. *Watson.*] Have you known a person deterred from sending to Liverpool for salt in consequence of the 6*d.* Liverpool due?—No.

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2100. How do you suppose it operates; are you aware that it has ever deterred any person from going to Liverpool, or occasioned any person to go to other ports for salt?—It has prevented persons fulfilling orders which they had from the United States.

2101. Do you know any person who has been prevented executing an order from the United States for salt?—Yes; I know a person in Liverpool, Mr. Richard Sheldon Eley.

2102. Under what circumstances?—He has an order from New Orleans to lay the salt down at a certain price in New Orleans, and he is prevented doing that by the 6 *d.* a ton.

2103. Do you know where they got their salt afterwards?—No.

2104. Mr. *Horsfall.*] What was the price of salt at that time?—I do not remember.

2105. Mr. *Watson.*] How long have you been acquainted with the town of Liverpool?—I was connected with Liverpool while I resided in New York.

2106. Has the price of salt risen or fallen during your time?—It has been up and down.

2107. Has it fallen much?—Yes, and it has been very high.

2108. Now there are a great many fresh works opened which have reduced the price?—It is rather low now.

Thomas Lloyd, Esq., called in; and Examined.

T. Lloyd, Esq.

2109. *Chairman.*] YOU reside at Birmingham?—Yes.

2110. You retired from business at the beginning of this year, did you not?—Yes.

2111. Of what firm were you a member?—Rabone, Brothers & Company.

2112. What is the business of that firm?—General export of hardware to all parts.

2113. Are you a member of the Chamber of Commerce at Birmingham?—Yes.

2114. Are you deputed by that body to attend before this Committee on the subject of the Liverpool town dues?—Yes.

2115. Has the matter occupied your attention for any length of time?—It has occupied my attention for the last 12 months.

2116. What drew your attention to it?—When I was made cognisant of the fact that the Liverpool town dues were not applied to the purposes of shipping, but went entirely to pay local taxes.

2117. You only knew that 12 months ago?—I was only aware of that 12 months ago.

2118. Will you give the Committee some account of how that affects the manufacturers of the district in which you reside?—It affects us to this extent; we pay a tax upon our exports, which is more or less burthensome, and which is simply applied in Liverpool for local objects; we therefore conceive that we in Birmingham and the manufacturing districts are paying the borough-rates and the various rates of Liverpool, which we have to pay in our own localities.

2119. What places do you refer to besides Birmingham when you speak of the manufacturing district?—I speak of the exporters in the Midland Counties district; the various places where the manufacture of Birmingham and Sheffield goods is carried on: Darlaston, Bilston, Willenhall, Walsall, Wednesbury, Wolverhampton, Dudley, and Sheffield.

2120. Does the greater part of that export trade pass through Liverpool?—The greatest portion; certainly nine-tenths of it.

2121. Can you give any account of the amount of those exports from the district of which you speak?—I have a statistical account here, which was published by the authority of the Government, and from that statistical account I deduce the fact that the exports are as follows: hardwares and cutlery, 3,500,000 *l.*; leather wares and leather, 1,400,000 *l.*; tin plates, and tin and pewter wares, 1,140,000 *l.*

2122. What is the total of that?—The total is 6,000,000 *l.* and upwards.

2123. Mr. *Horsfall.*] Are you speaking of the exports from Liverpool or the whole kingdom?—The whole kingdom; I have no means of dividing it; I imagine nine-tenths of it goes through Liverpool.

2124. That is mere matter of opinion, of course?—Yes, but it is founded upon very considerable knowledge.

2125. That

2125. That nine-tenths of the exports go through Liverpool?—Of hardware goods.

2126. *Chairman.*] Have you included brass and copper in the statement you have made?—No, I have not, because, although a very large amount of it might be added, a great portion of the brass and copper included in this estimate is in sheathing, which is an article very largely exported from South Wales; therefore I do not take it in.

2127. Mr. *Horsfall.*] Are not tin plates chiefly exported from South Wales?—Tin plates are largely exported from South Wales; they export them generally from Liverpool; they are not generally sent direct; they go from South Wales to Liverpool for export.

2128. *Chairman.*] Have you any remark to make on leather?—I must reduce the estimate of leather in consequence of a great amount of raw material being shipped in London and elsewhere. In the same manner I take the article of tin plates, I take it that with these deductions, our exports amount to fully 4,000,000 *l.*

2129. You take off one-third?—Yes.

2130. Do you mean, that 4,000,000 *l.* pass through Liverpool?—I should think that 4,000,000 *l.* did pass through Liverpool, certainly.

2131. Can you state at all what town dues are paid upon those exports?—I have ascertained by taking a calculation from my own books that what we have paid (and our exports are very general, including a great variety of articles, in fact, the whole of the articles almost) is an average of about 2 *s.* 2 *d.* per cent. I have also ascertained the charges from some of my neighbours who are exporters of various articles. Messrs. Van Wert, Son, & Co. tell me that the average charge upon their exports is 3 *s.* 1½ *d.* per cent. Another merchant who has various exports of very valuable goods states, that he takes his averages to be from 1 *s.* 8 *d.* to 3 *s.* 8 *d.* per cent.

2132. From those data, have you made any calculation of the amount of town dues paid by your district?—I made a calculation, that in our district this class of trade would pay from 4,000 *l.* to 5,000 *l.* per annum in Liverpool town dues.

2133. Can you state what your own firm paid last year?—I have taken it from our principal forwarding agent, and I find that we paid through him about 90 *l.*

2134. Can you state what local rates you pay?—The local rates, including poor's-rate, borough-rate, and in fact all the local rates, amount to 54 *l.* 15 *s.* 6 *d.*

2135. Mr. *Horsfall.*] Will you state in connexion with that, whether you reside in the town of Birmingham?—I take this from my place of business.

2136. Where your office is?—Yes.

2137. It does not include your house?—I do not reside in the town of Birmingham.

2138. *Chairman.*] So that you pay about 35 *l.* more in Liverpool town dues than for rates and taxes in Birmingham?—Exactly so; I pay more than that indirectly, but I take this from our principal agent, to be sure of the exact figures in amount.

2139. Do you deal in iron?—More or less as an exporter.

2140. Mr. *Horsfall.*] I think you said, you are out of business now?—Within the last 12 months I have been.

2141. You are not complaining of any actual grievance which you experience at present?—No, but I am deputed by the Chamber of Commerce to state their grievance.

2142. *Chairman.*] You complain of the grievance which you have experienced?—I consider, as a citizen of Birmingham, that we are all interested in it, and it is a grievance I feel now.

2143. With regard to iron, have you any statement to make?—Evidence has been given by Mr. Blackwell, one of our principal iron manufacturers, who is perfectly conversant with the matter, and who is more generally engaged in the iron trade than I am, and I do not think I can throw any further light upon the question.

2144. Do you agree in the evidence he gave?—Perfectly.

2145. Is there any other point on which you can give the Committee any information?—No farther than the general point, that we conceive, in addition to the grievance of which we have to complain with respect to the tax, it is one from which the forwarding agent, if a freeman, is exempt, and we consider paying a tax equal to one-half of what we pay to our bankers, for no value received, is rather a hard case.

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2146. Mr. *Horsfall.*] I think you said that nine-tenths of the hardware business of Birmingham went through Liverpool?—I did.

2147. Notwithstanding the oppressive dues?—Yes.

2148. Do manufacturers actually send their tin-plates from South Wales to Liverpool to be exported, notwithstanding these dues?—They do.

2149. Mr. *Vance.*] Have you any of your forwarding agents' notes with you, showing the amount you pay?—I have not any with me; I extracted my statement from the books of the forwarding agent.

2150. Mr. *Hardy.*] Is your calculation founded on the supposition that all the trade goes through the hands of forwarding agents who are not freemen, or have you taken off anything for the part that is transacted by those who are freemen?—My calculation is based upon what is paid to the forwarding agents.

2151. That is the 4,000 *l.* or 5,000 *l.*, which you say is paid by the district?—I presume it is all paid.

2152. *Chairman.*] That would be so, would it not; the freeman would get the gain, but you would not?—To be sure.

2153. He would be sure to make you pay?—Yes.

2154. Mr. *Horsfall.*] Of course you are aware that a freeman could claim no exemption if those goods were yours, and he would get no benefit?—I am not aware how they manage. We understand at Birmingham, when a merchant is a freeman, he exports goods in some way in which he gets a benefit.

2155. As if the goods are his own?—Yes.

2156. Are you not aware that every freeman when he exports goods, and claims the exemption, makes a solemn declaration that they are his own property?—No, it is mentioned, as matter of notoriety, that the freemen put it into their pockets.

2157. Can you give any instance of that, because it is a very serious charge to bring forward?—I cannot prove it.

2158. Do you think you are warranted in making that statement unless you are prepared to prove it?—One of the members of our chamber of commerce was present when this matter was under discussion, a man of first-rate respectability, and he said that he was in a forwarding-house in Liverpool, in which they made very large profits by their charge for forwarding goods; it was considered a fair and legal charge.

2159. The charge for forwarding, but not forwarding as freemen?—That in their house goods were forwarded under the name of one of the partners, and he was a freeman.

2160. Shipped in the freeman's name?—Yes.

2161. Will you be so good as to state the name of the party who gave you that information?—Mr. Hollyday is the gentleman who gave me the information.

2162. Does he reside at Liverpool or in Birmingham?—In Birmingham; I am sure he will be perfectly willing to substantiate the fact.

2163. Will you state to the Committee the exact distance from Birmingham to Liverpool?—About 100 miles.

2164. What is the exact distance from Birmingham to London?—About 108 miles.

2165. Notwithstanding the distance between those two ports being so nearly equal, you prefer sending nine-tenths of your exports by Liverpool?—We do, because they get it at so much less from Birmingham to Liverpool, than from Birmingham to London.

2166. By railway?—By railway and canal both.

2167. Mr. *Vance.*] Could you produce any of those forwarding agents' notes descriptive of the charges you pay in local dues by the next meeting of the Committee?—Immediately, without any difficulty.

2168. Perhaps you will be good enough to do so?—I will.

2169. Mr. *Watson.*] Do you always employ the same agent to export your goods, or several agents?—Almost always one.

2170. Is he a freeman, or not?—I believe not.

2171. Of course you are charged the 6*d.*?—Yes.

Titus Salt, Esq., called in; and Examined.

T. Salt, Esq.

2172. *Chairman.*] ARE you a manufacturer at Saltaire?—I am.

2173. What is the manufacture you carry on?—Principally mohair, alpaca, and worsted goods generally.

2174. Where

2174. Where is your establishment?—About three miles from Bradford.

2175. How many persons have you in your employ?—About 3,000.

2176. Your establishment is a very extensive one?—Yes.

2177. Do your workmen live on the establishment?—A great many of them; I am now erecting houses for their accommodation.

2178. Where do they live meanwhile?—A large number of them come from the neighbouring villages.

2179. Do they go backwards and forwards in a special train until you have erected buildings for them?—They do.

2180. You are the president of the Bradford Chamber of Commerce, I believe?—Yes; and I am deputed by them to give evidence upon this subject.

2181. You represent the interests of the worsted manufacturers in the Bradford district?—Yes.

2182. Have you any complaint to make against the Liverpool town dues?—Yes; we paid last year about 61,000 *l.* for rates in the borough of Bradford, and we think it very unjust to have to pay towards the Liverpool rates.

2183. Can you give any calculations as to your exports through Liverpool?—The number of bales and cases sent last year to the United States alone, was from 40,000 to 50,000, and it was considered 30 per cent. below the general average: and to other parts of the world, stuff goods to the amount of about 50,000 bales were sent from Bradford.

2184. Can you state the amount of imports?—Of imports we had about, I calculate, 48,000 bales of wool coming to our district through Liverpool.

2185. That is about one-third of the whole import of wool into Liverpool, is it not?—It is.

2186. Do you know what was the total import of wool into Liverpool in 1855?—The foreign wool imported last year was 122,293 bags, and in addition to that, there is the Irish and Scotch wool.

2187. Mr. *Vance.*] You call Australian wool foreign wool, I suppose?—I do.

2188. *Chairman.*] What town dues are charged on those articles of import and export?—For all bags under 2 cwt. we are charged 2 *d.*; above that weight, I believe, 4 *d.*

2189. Mr. *Horsfall.*] What is the value of those packages of wool?—They vary very much indeed.

2190. What is the average value?—I cannot say; they vary from 10 *l.* to 30 *l.*

2191. Very fine wool is worth more than 30 *l.* a package, is it not?—No; fine wools are not packed very heavy.

2192. *Chairman.*] What is the town due on exports?—I believe 4 *d.* a package upon the export of goods.

2193. Mr. *Horsfall.*] What is the value on the average of one of those packages of fine goods?—They vary exceedingly.

2194. You can state something like an average, I presume?—They vary from 15 *l.* to 40 *l.*

2195. Will you state what you consider the worsted district pays in town dues on the imports and exports?—I suppose the borough of Bradford will pay from 3,000 *l.* to 4,000 *l.* altogether, on the imports and exports.

2196. With regard to alpaca and mohair, which are your chief articles of manufacture, can you tell us what you pay at all?—My manufacturing premises are rated at upwards of 4,000 *l.* a year. I paid last year about 350 *l.* in rates altogether, of all kinds; and I consider for the goods I use, I paid more than half that amount to the Liverpool rates in town dues.

2197. Mr. *Horsfall.*] Do you reside in Bradford?—No.

2198. Then the rates of your house are not in the amount you have given?—No; I reside in the parish of Halifax.

2199. *Chairman.*] Where is your manufactory?—It is in Shipley, three miles from Bradford.

2200. What are the rates you pay?—Poor-rates to the parish of Shipley.

2201. You do not pay to the Bradford rates?—Except for my Bradford premises.

2202. Mr. *Hardy.*] Do you include the rates of both Saltaire and Bradford?—No.

2203. *Chairman.*] You paid the 350 *l.* in Shipley?—Yes.

2204. You think you pay more than half that amount to Liverpool town dues?—Yes.

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2205. Mr. *Horsfall.*] On your own account?—No, the wools, oil, and soap I consume paid that amount; I did not pay it direct.

2206. *Chairman.*] It is on your own account then?—The importer, whoever he is, pays the town dues.

2207. Mr. *Beamish.*] The town dues on what you consume in your manufacture which passes through Liverpool amount to what you have stated?—Certainly.

2208. Mr. *Horsfall.*] Do not your wools come from merchants in Liverpool?—Some part of them.

2209. The Liverpool parties paid the town dues upon them in that case?—I presume so.

2210. When you speak of 3,000*l.* or 4,000*l.* being paid in town dues by the borough of Bradford, I presume you speak of the dues on the goods, part of which were ordered by Liverpool exporters; you do not mean to say that the amount was paid entirely by the manufacturers in Bradford who exported on their own account?—No, certainly not; it was paid on goods sent from Bradford through Liverpool.

2211. Many were on Liverpool account, I suppose?—Very few Liverpool merchants export Bradford goods.

2212. The exporters were from different parts of the kingdom?—Principally from Bradford.

2213. Mr. *Headlam.*] Supposing you were sending goods to Ireland, would you pay the duty, or would the person to whom the goods were consigned in Ireland pay the Liverpool town dues?—If I sent them to Ireland, I should have to pay the duty.

2214. Supposing they are bought by a person in Ireland from you?—He takes them in Bradford, and pays the town dues himself.

2215. What is the ordinary practice in the course of the trade; do you usually pay them yourself, or does the person to whom you send the goods pay them?—The person who purchases them in Ireland.

2216. With regard to the goods which you send away, is it, in point of fact, the usual practice for you to pay them yourself, or the person who ultimately gets the goods?—The goods I manufacture I sell in the grey state to the merchants; they finish the goods, and export them to different parts of the world, and pay all the charges.

2217. If these Liverpool town dues were done away with, it would not make any very material difference in absolute money to you?—None, excepting upon what goods I receive and send direct myself; but it falls upon the general district, such an amount being drawn from it.

2218. So that the grievance you complain of is the general oppression upon the trade, not a particular subtraction of money from you and other traders in Bradford?—Certainly.

2219. *Chairman.*] You say that in your business you pay about 180*l.* in Liverpool town dues?—The raw material I consume pays that amount in town dues in Liverpool.

2220. Then the goods you manufacture and export are charged?—They have to pay again.

2221. What do they pay?—I am not aware what is the proportion of goods that goes through Liverpool.

2222. Are your goods sent much to the United States of America?—It is the largest market, except our own market.

2223. And to South America?—South America and British North America.

2224. Spain and Portugal?—Yes; and to the Colonies very largely.

2225. Have you no means of estimating what the amount is that is charged upon those goods?—No.

2226. Does not everything that increases the price of goods at Liverpool tend to diminish the demand for them in those places to which you export them?—I am not aware; it must have that tendency eventually.

2227. Mr. *Horsfall.*] But, in fact, the trade of Bradford and the neighbourhood has increased very much, has it not, of late years?—Not the last two years; it has been depressed very much indeed.

2228. The last 30 years?—The last year it has been depressed, but taking 30 years past it has increased.

2229. Mr. *Watson*] Has it not very much increased the last 10 years?—It was increasing till within the last two or three years.

2230. Do you buy the raw material at Liverpool, or do you import it yourself?—I buy it from the importers in Liverpool.

2231. Therefore you do not pay the due; it is paid before the articles come to you, if it is paid at all?—Yes.

2232. Mr. *Horsfall.*] Are you aware that if you happen to buy from a freeman that the articles pay no duty at all?—I am not aware; I suppose he will take care to charge it.

2233. Mr. *Beamish.*] You do not find any difference in purchasing from a freeman or a non-freeman?—No.

2234. *Chairman.*] Have you anything to say with regard to the article of soap?—We consume very largely both oil and soap.

2235. Have you formed any estimate of the amount of town dues levied upon soap?—They would amount to 200*l.* at least, and considerably more.

2236. Mr. *Horsfall.*] Are not you aware that the soap you use is nearly all manufactured at Liverpool?—They do not produce the oil in Liverpool and the ashes.

2237. Mr. *Beamish.*] The 200*l.* you allude to, is the duty paid upon the material imported?—Yes.

2238. Mr. *Horsfall.*] What quantity of soap do you consume in the course of a year?—About 23,000 packs; I am speaking now of the Bradford district.

2239. How much is a pack of soap?—A pack of soap is 256 lbs.

2240. *Chairman.*] What amount of groceries and provisions are consumed in your district?—I have not been able to ascertain the exact quantities; but we have very large quantities consumed in the borough of Bradford and the neighbourhood.

2241. *Chairman.*] Which pay town dues?—Yes; 2,000 tons and upwards.

2242. Mr. *Watson.*] At Liverpool?—Yes.

2243. *Chairman.*] What amount of dye woods is used in your district?—About 8,000 tons come through Liverpool.

2244. Do you know what they pay?—I do not.

2245. Mr. *Watson.*] Is the soap purchased at Liverpool; where is it manufactured?—It is part manufactured in the borough of Bradford; there are one or two manufactories, and several large manufactories in Liverpool.

2246. It is the material from which the soap is manufactured which pays the due, according to your own account?—Yes.

2247. Those articles are purchased from the importer, and are not imported by the manufacturer in Bradford?—Sometimes they are imported and sometimes purchased from the Liverpool merchant.

2248. Are you aware that there is no charge for soap at Hull at all?—I am not aware.

2249. Mr. *Hardy.*] Supposing you are disposing of goods which you have manufactured, do you find that you obtain anything less from persons who take them away by way of Liverpool than you do from persons who take them by any other means out of England?—I am not aware.

2250. Do you charge the same to all your customers, whichever way they take the goods?—Yes.

2251. So far as you are concerned, you are not affected at all by what may be charged on the goods at Liverpool?—The district must be affected; it cannot pay 2,000*l.* or 3,000*l.* without feeling it.

2252. The district must pay it in minute proportions by individuals?—Of course.

2253. In your own case, supposing for instance you were selling goods to two customers, and one was going to take the goods by Hull, and the other by Liverpool, should you not charge the same price for the article at Bradford?—Yes.

2254. In what sense would you be paying anything towards the dues at Liverpool?—In the sense I have spoken of, the trade being taxed to that amount, which we must feel in the competition with the continental manufacturers; we have to pay our own local dues, and the Liverpool dues in addition.

2255. Mr. *Duncan.*] Were you to ship 100 boxes of your manufactures to America, would not you have to pay on each of those boxes, 4*d.* town dues?—Certainly.

2256. Mr. *Horsfall.*] Above a certain weight?—I think they are charged by the package.

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2257. Mr. *Bouverie.*] Do you ship on your own account, or have you orders from commission agents?—I sell my goods to the merchant.

2258. In Liverpool?—No, in Bradford; there are no stuff merchants in Liverpool.

2259. Mr. *Hardy.*] In buying mohair and alpaca, do you buy them from any other port than Liverpool?—I purchase a considerable quantity in London; the bulk of it arrives in Liverpool.

2260. And goes to London afterwards?—Yes.

2261. Do you purchase those goods anywhere else that do not come by Liverpool?—A small quantity comes to London, nothing compared with Liverpool.

2262. Do you find the price of it affected at Liverpool, as compared with other places; does the due make any difference in the price?—I do not conceive that 4*d.* per bag can affect the price per pound for a bag of wool.

2263. Wherever you buy it, you pay the same price?—I suppose so; if I buy in London, it has paid the dues in Liverpool.

2264. Do you get any by Fleetwood?—No foreign wool.

2265. Mr. *Vance.*] Do you send goods direct to the London warehousemen?—No.

James Bancroft, Esq., called in; and Examined.

J. Bancroft, Esq.

2266. *Chairman.*] YOU are a member of the town council of Manchester?—Yes.

2267. And a director of the Birkenhead Railway?—Yes, and have been for the last seven years.

2268. You have been deputed by the railway company to give evidence before this Committee?—I appear, under a resolution of the company, to represent the interest of the railway company before the Committee.

2269. What do you call the Birkenhead Railway; is it from Birkenhead to Chester?—Yes; I will put in a map, which will show the system of railway that I represent—[*handing in a map*]. The railway extends from Birkenhead to Chester, and diverges off at Chester and runs to within a mile of Warrington, and thence over the London and North-Western Company's line into Manchester, over which line the company have running powers, and thereby have established a direct communication between Birkenhead and Manchester and the manufacturing districts.

2270. Lord *Hotham.*] That communication goes by the name of the Birkenhead Railway?—Yes; it goes on to the margin of the docks, and connects, them with the manufacturing districts, and carries goods thence direct to the manufactories without intermediate handling.

2271. *Chairman.*] Has your attention been drawn to the town dues of Liverpool?—It has; and I may state generally that for several years the railway interest, and prior to the last year, the dock interest, and indeed all the interests on the Cheshire side of the Mersey, have had their attention drawn to the question of the town dues, and were seeking an opportunity to bring the question of town dues under the consideration of Parliament. I may state, as a matter within my own knowledge, that it was the intention of the railway companies, in conjunction with the manufacturing interests, so soon as the dock trustees of Liverpool introduced any Bill that enabled them to do it, to bring the whole question under the consideration of Parliament; but more especially their attention was drawn to it by the Shipping Dues Commission which was issued, and which held its sittings at Liverpool. I believe a statement as to the proceedings of that Commission has been laid before the Committee. I was present at it myself, and the interests of the railway companies, as well as all the trade up the country, were represented at that meeting, as well as the interests of the manufacturing districts. The proceedings of that Commission excited a good deal of interest in the whole district, and the result was an organisation among all the interests affected by the town dues, to press the matter on the consideration of Parliament.

2272. Mr. *Horsfall.*] Did that combination originate in the Local Dues Commission?—No, it did not originate there; it received an impulse certainly by the sitting and inquiry at Liverpool, but an interest was felt before, not to the same extent; no organisation existed before; it led to an organisation not to the interest which was felt in the subject, especially in Birkenhead; it was felt to be a great grievance, and had been felt so from the time that the docks were first commenced.

commenced. I may state, in reference to the railway interest, that they were induced in 1844, or rather 1845 and 1846, to expend very large sums of money for the purpose of communicating with the docks at Birkenhead. Bills were brought in, and upon those Bills the Board of Trade of that day reported very strongly, and they treated the railway project in conjunction with the dock system, as of great importance, almost of national importance, and their report was very strong indeed. The railway company was further urged by the manufacturing interests. The Chamber of Commerce at Manchester, and other bodies there interested in trade and commerce, supported an application to Parliament for the Bill; and they not only supported it and rendered moral assistance in that way, but they subscribed very large sums of money to the railway and to the docks for the construction of docks and warehouses at Birkenhead. The railway company therefore, under those circumstances, proceeded and made a line from their original line in Grange Lane. I may state that Grange Lane is the entrance into Birkenhead from Chester, and is a mile from the docks; they had to pass through the town of Birkenhead, to construct the railway under the streets, and that at an expense of 350,000 *l.* They purchased about four acres of land, which cost them with the works upon it another 100,000 *l.*, and that, with their passenger station down to the river, cost them altogether half a million of money, and they were induced to go to this enormous expenditure for the reason I stated, that there might be a direct communication between the docks at Birkenhead and the manufacturing district. There were peculiar advantages and privileges at the docks at Birkenhead that did not exist elsewhere. On the same ground the line from Chester towards Manchester was undertaken at a cost of about 2,300,000 *l.*, but up to the present time the advantages which were held out to the company have not arisen, and there is some cause (for reasons to which I may hereafter refer) to apprehend that those advantages are not likely to arise for some time to come, if at all. There is one point in reference to the railway I should have named whilst upon this subject; from Manchester to Birkenhead it is 56 miles, and from Manchester to Liverpool it is 32 miles, and the railway company, to meet the exigencies of the case, have agreed with the public, not by a legal document, but they have published their resolution to charge the same rates between Manchester and Birkenhead as between Liverpool and Manchester, the one being 32 miles only, and the other 56 miles. Under those circumstances, it will be apparent to the Committee that an impost in the nature of the town dues is a great grievance on a railway company, which is making such a large sacrifice to meet the exigencies of the trade.

2273. *Chairman.*] Were the expectations under which this capital was invested in any way disappointed?—Grievously so; up to the present time not more than two per cent. has been paid upon the capital, and for a considerable time hardly any interest at all has been paid on the capital; the failure of the parties at Birkenhead, and the manner in which the interests there have been interfered with has been most disastrous to the railway interest.

2274. Mr. *Watson.*] It has been a losing concern?—Very much so indeed.

2275. *Chairman.*] Are you able to give any account of the origin of those town dues of which you complain, or the authority or title under which they are taken?—I have carefully read the grants which have been made by the Crown, and also the leases which were made by the Molyneux family to the Corporation of Liverpool, and having read the grants over very carefully, I have been struck by this one fact, that the right of the Corporation to levy those dues must necessarily (of course I speak as a civilian) be confined to the town or lordship of Liverpool, and that I may not misquote the grants I have written them out, and with the permission of the Committee I will read them. The first grant, which was from Charles the First, in the year 1629, to the Corporation of London, so far as Liverpool was concerned, was of "All that Our Town and Lordship of Liverpool, parcel of the Honor of Lancaster, in the aforesaid county of Lancaster, with every of their rights, members, and appurtenances; and all that boat and passage over the water of Mersey there, and the butchers' shambles in the said town of Liverpool; and also all stallage and tolls of the markets and fairs, with the perquisites of courts in Liverpool aforesaid; and all customs, anchorage, and key towle of the water of Mersey aforesaid, and within the aforesaid town and lordship of Liverpool aforesaid, then or late in the tenure or occupation of Richard Molyneux, Knight, or his assigns." It is the right to collect "customs, anchorage, and key towle of the water

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water of Mersey aforesaid, and within the township or lordship of Liverpool," that is granted. The only water of Mersey previously named, and to which the word "aforesaid" can apply, is the "water of Mersey there," or within the township or lordship of Liverpool. It is also stated that the hereditament or premises granted, or at any rate the customs, anchorage, and keel towle, were then or "late in the tenure or occupation of Sir Richard Molyneux." In 1635 the Corporation of London sold to the Molyneux family the lordship of Liverpool, and in the bargain and sale the same description is given of the parcels conveyed as is contained in the grant from King Charles to the Corporation of London. In 1672 the Molyneux family granted a lease for 1,000 years to the Corporation of Liverpool of "the town and lordship of Liverpool, and the customs, anchorage, and keel towle, and all the hereditaments and premises comprised in the indenture of bargain and sale of the 4th of December 1635 (being the conveyance from the Corporation of London), except the ferry-boat, and battlage, and passage over the said water or river of Mersey." In 1700 another lease, for in fact the remaining portion of the 1,000 years' term, namely, for 972 years, was granted to other parties representing Liverpool, by the Molyneux family, of "all that and those the town and lordship of Liverpool, otherwise called Leatherpool, parcel of the possessions of the Duchy of Lancaster, or of the Honor of Lancaster, in the said county, with all and singular their rights, members, and appurtenances; and all the flesh shambles within the said town of Leatherpool, and also all the stallings and tolls of the several markets and fairs there from time to time held and to be held, and all and every the perquisites and profits of the courts from time to time held or to be held; and all the customs, anchorage, and keel towle, of, in, or upon the river or water of Mersey there, and within the said town or lordship of Liverpool." The description of parcels is almost identical with the description in the grant from Charles to the Corporation of London; but under any circumstances, the Corporation of London could only transfer to the Molyneux family what was granted to them by Charles, and which is said to have been in the tenure of Sir Richard Molyneux; and the Molyneux family could only lease to the Corporation of Liverpool what they had purchased from London. By indentures bearing date the 3d and 4th of February 1777, the reversion of all the premises purchased by the Molyneux family is conveyed to Liverpool. The grant from Charles and the various subsequent transactions are recited; and it is further recited that parties named are seised in fee as trustees for Molyneux of the reversion and inheritance "of the said township or lordship of Liverpool, and of the said flesh shambles, stallage, toll of markets and fairs there, perquisites and profits of courts there, customs, anchorage, and keel towle of the said river of Mersey, within the said town or lordship," &c. &c. But the deed afterwards conveys to the Corporation of Liverpool "all that and those the town and lordship of Liverpool, and all the flesh shambles within the said town of Liverpool, and all the stallage of the said markets and fairs there from time to time held and to be held, and all and every the perquisites and profits of the several courts there from time to time held and to be held; and all the customs, anchorage, and keel towle of, in, or upon the river or water of Mersey, and within the said town or borough of Liverpool aforesaid." And subsequently, the "ferry-boats, battleage, and passage over the said river or water of Mersey" are conveyed. It will be seen that the recital states the party conveying to be entitled to the customs, &c. "of the said river of Mersey, within the said township or lordship of Liverpool," whilst the conveyance is of "customs, &c. in or upon the river or water of Mersey, and within the said town or borough." It is however clear, that only what the parties conveying were really possessed of could pass, and the borough at that time was no doubt co-extensive with the township. To ascertain what had been or was in the tenure or occupation of Sir Richard Molyneux, as stated in the grant from Charles to the Corporation of London, it is necessary to refer to the various leases granted by the Crown. It appears that in the 20th of Henry the Eighth a lease was granted to Alice Gruff and Henry Ackers. In the 28th of Henry the Eighth a lease was granted to Thomas Holcroft, esq.

2276. Both those leases were from the Crown?—Yes; in the 37th of Henry the Eighth a lease was granted to Sir William Molyneux and to Richard Molyneux his son. In all such leases the same parcels, namely, the town and lordship of Liverpool, ferry, tolls of markets and fairs, and perquisites of courts, and the customs, anchorage, or keel towle of the water of Mersey, within the township or lordship of Liverpool, are leased by the Crown. In the 1st and 2d year of Philip

Philip and Mary a lease was granted to Richard Molyneux, knight, and to William Molyneux his son; and in the description in this lease the words are, "the customs and charges on keel towle aforesaid of the water of Mersey, and within the aforesaid town or lordship of Liverpool aforesaid." In the recitals to which the words "the customs, anchorage, or keel towle aforesaid" refer, the words are, "the customs and anchorage, or keel towle of the water of Mersey, within the lordship of Liverpool aforesaid." In the 28th of Elizabeth a lease is granted to Sir Richard Molyneux, in which in the parcels the words are, "the customs, anchorage of keel towle of the water of Mersey, and within the town or lordship of Liverpool;" but in the subsequent reference in the same lease to what is granted, and where the consideration is reserved and stated, the words are, "the aforesaid customs and anchorage of keel towle of the aforesaid water of Mersey, within the aforesaid lordship of Liverpool."

2277. The word "and" is omitted?—Yes. In the second year of James the First the last lease to Sir Richard Molyneux is granted, and the words used are, "the customs, anchorage of keel towle of the water of Mersey, and within the town or lordship of Liverpool aforesaid." It appears that the Crown, in the many leases granted, leased (what was obviously all that was ever possessed by the Crown) the right to collect petty customs and anchorage, or keel towle, in the water of Mersey, within the town or lordship of Liverpool, or, as the corporation have themselves defined the boundary of such township to be, within "the low-water mark of the river Mersey." On the westerly side the boundary of the town or township of Liverpool is the low-water mark; the other limits are described on a map, which I shall presently lay before the Committee.

2278. As I understand you, the words "and within" first occur in one of those leases to the Molyneux family?—Yes.

2279. And in that same lease, if I understand, it is also stated without the "and" in what is called the Habendum?—Yes; in the parcels it is stated without.

2280. Your point is that the word "and" is immaterial, and that it is used indifferently in the same instrument?—Yes; I have only to observe that the Corporation of Liverpool claim and do levy these rates beyond such limit.

2281. Do you know what the ferry is that is described?—I have looked carefully at it, and the plan of the ancient town of Liverpool shows the ferry across the pool.

2282. At the mouth of the pool where it joins the Mersey?—Yes.

2283. The pool was on the south side of the town of Liverpool?—The south end of Liverpool.

2284. It has been subsequently filled up?—Yes, and it now forms the site of the Custom-house and of a series of public works.

2285. What I gather from your view is, that the only waters of Mersey on which the Corporation of Liverpool can now levy town dues are the waters between high and low-water mark on the westerly side of the old township?—Clearly; co-extensive with the town or lordship of Liverpool up and down the river.

2286. Is not that something smaller than the present Parliamentary borough?—Yes, considerably. I have a plan which I will put in (*producing the same*).

2287. Where was this map extracted from?—It is the Ordnance map. This is a copy of an old plan in Mr. Baines's History of Liverpool. (*The Witness explained the Plan to the Committee.*) From high water to low-water mark would be the limits within which, as I understand it, they would be authorised to levy those tolls, but they are now levied over the entire Customs port.

2288. Mr. *Watson.*] Are you aware that old charters are always construed by contemporaneous user?—They may be; but upon that principle, I should say that the user was very limited.

2289. *Chairman.*] Have you anything further to state about the parcels in the grant?—Except in this one point, that, taking my view of the matter, they now collect the dues without and beyond those limits.

2290. Have you read the proceedings which took place on the trial before Lord Denman?—I have read them.

2291. Is there any evidence suggested by the corporation of any contemporaneous user?—It did not occur to me that there was.

2292. Mr. *Watson.*] Are you aware that if you prove a user for 30 or 40 years back, that is considered as evidence to show that it has existed for a long period;

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are you aware that that is the mode in which contemporaneous user is proved?—Of course in that sense; I mean at the time the grant was made, and up to a very recent period, namely 1709, the period of the first Dock Act. Although the user might have been varied from what I think it was originally, and what I think they were authorised to do originally, still up to that time, though they had collected dues over a larger surface than they were authorised to do by the grants from the Crown, still they performed corresponding obligations.

2293. The great thing is the user; was their user larger before 1709 than your construction of the leases?—Distinctly.

2294. *Chairman.*] What are the limits now within which the Corporation of Liverpool claim to levy these dues?—From a point on the Ribble to Hoylake on the north and west, and to Warrington and Frodsham Bridges on the south and east.

2295. Can you state from whence they derive those limits?—From the arrangements of the Customs port.

2296. Do you know when the Customs port was created?—In 1680, for the purposes of the Imperial revenue.

2297. How long was that after the purchase from the Molyneux family?—Many years.

2298. Mr. *Watson.*] What was done in 1680?—The Customs port of Liverpool was declared then to be from the points I have stated, from the Ribble to a point near the River Dee, and to Frodsham and Warrington Bridges.

2299. *Chairman.*] That is not coincident with the town and lordship of Liverpool, is it?—Clearly not, nor with the River Mersey; it is extended beyond the River Mersey.

2300. Are you aware of any user up to those limits, or anywhere near them, before the establishment of that Customs port?—I am not aware.

2301. Mr. *Watson.*] Are you aware the other way?—Clearly not; there is no evidence that I am aware of to show it.

2302. *Chairman.*] You were proceeding to say that they now levy dues beyond the limit of the town and lordship?—Not only beyond the limit of the town and lordship, but beyond the waters of Mersey; Frodsham Bridge is on the Weaver, and they extend their rights and exercise their powers to that point, and also as far as Southport, and that is far away from the Mersey; of course they exercise their rights on the opposite side of the river, in another county; that is, in Birkenhead, in the county of Chester; and the soil of the Cheshire side was never in the Liverpool Corporation; in fact they have been recently purchasing from the Crown from high water to low-water mark, and the Birkenhead Company is now in treaty with the Crown for the foreshore; so that the soil on the Cheshire shore was never in the Liverpool Corporation at all.

2303. So that under the grant to levy dues in the town and lordship of Liverpool, they collect dues in places that are not in the town and lordship of Liverpool?—Clearly so.

2304. How does the present Corporation of Liverpool become entitled to those dues?—Under the operation of the Municipal Act; that is, as to the application of the dues, of course they have claimed and exercised the right to them during the period referred to. The appropriation is determined by the Municipal Act, but I conceive that does nothing to render legal the impost that is made, whatever their rights may be, within the township or lordship of Liverpool; it does not appear to me that they have any right whatever on the Birkenhead side to collect those dues.

2305. Can you state what was the constitution of the old Corporation of Liverpool?—Yes. It was a nominated body of 41 individuals; after that they became self-elected.

2306. It was nominated by charter?—Yes, it was nominated by charter; after that they were a self-elected body. Two trials took place by freemen wishing to get admission into the corporation, but they failed in their attempts, and from that time up to the passing of the Municipal Act I am not aware that any other attempt was made to disturb the then existing state of things.

2307. With regard to the property which they hold, do you know whether it was saddled with any trusts, or what their claim was with regard to it?—As far as I can understand the character of the corporation, it appeared to be an irresponsible body, and they did just pretty much what they pleased with the property, which was very extensive indeed; and it was stated by Sir Robert Peel in the

the House that they had an absolute right even to alienate the property. It was felt, however, by the whole country that a state of things existed that ought to be altered. That, I apprehend, was the ground upon which the Municipal Act was passed.

2308. What effect had the Municipal Corporation Act upon this old self-elected body?—Of course it annihilated them to that extent; the effect was to direct in what way the town dues should be appropriated.

2309. It created a new body, did it not?—It created an entirely new body, elected by the burgesses.

2310. And vested in that body the property of the corporation?—Yes; the freehold property, and also the rights and dues, whatever they are. As I have already said, I am not aware that it made any alteration in the right of the corporation to collect those dues, either as to the amount of the dues or the limits within which they should be collected; it left it all as it found it.

2311. And left the title?—Clearly, as it stood before.

2312. It gave the new corporation whatever the old corporation had; neither more nor less?—Yes; only it directed the appropriation of the dues.

2313. Do you know whether the officers of the old corporation were compensated upon its dissolution?—I believe they were. I have not turned my attention particularly to that point. I remember some of them; the town clerk especially was compensated by annuity.

2314. Now, as to appropriation under the Municipal Corporation Act, what is that?—The whole of the dues are passed to the borough fund. They amount, as has been already stated, to about 125,000*l.* a year, and that does not include what is exacted, or what amounts to an exaction, by the freemen.

2315. You have spoken of the limit within which the power of levying town dues is exercised; as to the manner in which the town dues are levied, have you any observation to make upon that subject?—That it is arbitrary and oppressive in some cases is very plain indeed. I think it is an unconstitutional power that could not be granted at the present day. In my opinion, speaking of course, as I have already said, as a layman, it could not be exercised by the Crown. Had the right not been granted at all, my impression is that the Crown could not exercise a right like this. I am satisfied that concessions would have been made to the requirements of the trade and public convenience long ago. I may state with regard to Birkenhead that the Crown had rights which it has conceded to a very large extent indeed. The surveyor of the Corporation of Liverpool valued the property on Wallasey Pool which was required for the dock, and his valuation of it was, in round numbers, 800,000*l.*, less about 300,000*l.* for works, which made the net value of the land about half a million of money. The Crown absolutely conceded that, and gave it up for public objects, showing that if this right had remained with the Crown, it would not have been exercised against trade and commerce in the way it is exercised. The manner in which it is exercised is as objectionable as the power itself. The parties taxed derive no benefit whatever from the tax, only the freemen, who are, I believe, held in equal estimation by all parties, gain by the dues, and even the parties in Liverpool themselves would be very glad to get rid of the freemen, if they could be got rid of without getting rid of the tax itself. The tax is undiscriminating and unequal in respect of new articles; there is nothing to limit the amount, and it is altogether capriciously fixed. They have a discretion, and they exercise that discretion under certain influences. Parties come who deal in an article, and agree or dispute amongst themselves what it shall pay; a variety of articles which have been mentioned before the Committee show that; for example, the article of salt, which has been referred to so much, When 6*d.* per ton on salt was fixed, there was a duty of upwards of 30*l.* a ton on salt; I believe it was 31*l.*; I am not quite clear as to the amount; the salt was worth about 5*s.* or 6*s.*; it was 30*l.* 5*s.* or 30*l.* 6*s.*, and the 6*d.* was charged on that; now it is 6*d.* on the 4*s.* and 5*s.*; yet there are no means of modifying or reducing it. Take guano, a new article; sometimes it is as high as 16*l.* a ton; there is a small duty of 2*d.* or 3*d.* on guano. Nothing can illustrate the undiscriminating character of the tax more than a reference to those articles, and the same observation applies to a large number of other articles.

2316. Do you know whether the Liverpool Corporation claimed before the passing of the Municipal Reform Act the power to alter the dues?—A compromise took place in Bolton's case.

2317. In which they reduced the dues?—Yes.

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2318. Have they ever raised them?—I am not aware of that, but I apprehend they cannot do so now, under the Municipal Reform Act; that has restrained them from any modification of the tax when once fixed; that is, they cannot reduce it; my impression is, that they can raise it, but they cannot reduce it.

2319. Without the consent of the bondholders?—That would be so.

2320. Are you acquainted with the circumstances of that trial of the Corporation against Bolton that took place before Lord Denman?—Yes, by reading the Reports; it is obvious that they had a special object.

2321. Who had a special object?—The defendants; the parties to the action.

2322. What was their special object?—It was to be released from the tax on the articles in which they dealt as merchants; being satisfied on that point, they withdrew, and expressed their willingness to close the question. Having those concessions made to them, they would be the last persons in the world to moot the questions of town dues; they were perfectly satisfied as Liverpool people.

2323. What concession was made?—It was a compromise on the amount paid on the articles in which they dealt.

2324. Was the reduction considerable?—I believe it was; I have not the exact figures before me.

2325. Had they any other object in view?—That I infer from the proceedings.

2326. Had not they another object, with regard to the privileges of freemen?—Not in reference to their own personal interest; but as I have already stated, all parties who are not freemen themselves would be glad to see the freemen struck off, and they had this object in view.

2327. Upon what principle do those duties appear to be levied?—There is no principle in it that I can see; it is mere caprice; and that is the objection to a great extent, although of course the amount of money levied on trade and commerce is so much abstracted, however it may operate; it may be an indirect tax; an almost in sensible burthen on some individuals, but it is a clear tax on the community to that extent, and a large extent, namely, 125,000*l.* a year.

2328. Have you any information to give as to how those taxes are settled upon new articles?—The collector settles with the party himself; that is the account given in the report. When a new article is brought, the person importing it waits upon the collector, and they settle it by agreement if they can; if they cannot, the decision of the collector is final. The charges are not settled in the town council by resolution, or in any other formal way that should give a sanction to the tax. That is another proof of the unconstitutional character of the tax, that it can be imposed in this irregular and informal way.

2329. Are you aware whether the possession of this revenue from town dues has had much influence on the proceedings of the corporation with regard to Birkenhead?—Yes; my impression is decidedly that it has throughout the whole proceedings, from the commencement of the Birkenhead Docks, or rather from the proposal to make the docks at Birkenhead.

2330. How is that?—In this way: as the creation of a large system of docks at Birkenhead would raise up competition with Liverpool when the docks were completely in operation, it was manifest to the people at Liverpool that those dues would not be submitted to; measures were therefore taken by the Corporation of Liverpool to obstruct the creation of the docks. In the first place, they purchased a very large portion of land on the margin of the pool, all the way up, or nearly. I have a plan here showing the portions purchased by the corporation.

2331. What pool are you referring to?—Wallasey Pool. The land was purchased from Sir John Tobin, Mr. Laird, and other parties; the whole margin of the pool was purchased by the Corporation of Liverpool.

2332. With what view was that purchase made, do you apprehend?—As a matter of course to prevent the construction of docks. When it was found that the object could not be accomplished by holding the land absolutely, the resolutions of the parties were altered to that extent.

2333. What parties?—The Corporation of Liverpool. So soon as the land was resold, the corporation, the following day after the sales were completed, passed a resolution to petition against the construction of the docks, although the land had been sold with the express understanding that the docks were to be created.

2334. Can

2334. Can you state at all the amount of those transactions?—I have not the exact amount; but it was very large.

2335. I understand this land, which the corporation bought from Mr. Laird and Sir John Tobin, was sold by them again at the time when they were applying for docks for Birkenhead?—Yes, that is what I allude to.

2336. It was at that time?—Yes. This is the evidence of Mr. William Potter, a person who dealt largely in land at Birkenhead at that time. He says, "Then they (the Corporation) advertised afterwards on the 10th of February for the sale of the remaining land on the 29th; the condition in that advertisement being, that it was to comprise liberty to make docks, basins, slips, and similar works." Before that time they refused to grant the liberty, but finding the land could not be sold for even a nominal price, they then consented to let it go unaffected by such condition. "On the 29th of February, there was no purchase made, offers not being equal to the reserve bid; but tenders were invited, and some were sent in. I sent in one for a piece of land adjoining my former purchase, for 17,000 or 18,000 yards; I offered 14 *s.*," (that is 14 *s.* a yard,) "which was understood to be about what would be taken; they required 16 *s.*, which I agreed ultimately to give. For that I have the power of making docks. The sales came before the Council on the 5th of March; they were reported by the Finance Committee on that day; and on the 6th they presented their petition against the docks. Prior to that day I had not any intimation of any intention on the part of the corporation to oppose the general plan of making docks at Birkenhead. Four-fifths of the land which they have sold was sold after the plans were lodged, and notices given, and the matter was before Parliament."

2337. You are of opinion that the transactions with Birkenhead were very much influenced by the anxiety to retain these town dues?—Clearly so. I may state that in the council there was a small party, I believe, who urged them strongly afterwards to take up the Birkenhead dock scheme, to take it into their own hands, to neutralise the opposition to the town dues, which was certain to spring up; and a gentleman of great influence, and intelligence, in Liverpool, within two or three years ago, Mr. Samuel Holme, wrote a series of letters, which appeared in the "Liverpool Albion," on the subject, deprecating the policy of the Liverpool Corporation in reference to Birkenhead; describing it as a short-sighted policy, and sure in the end to bring about the results which we are now trying to bring about in regard to the town dues.

2338. That is to say, the policy of opposing Birkenhead?—And not taking Birkenhead docks into their own hands and finishing them themselves, and making them their own property, so as to neutralise the opposition that would be likely to arise hereafter. In his letters he refers to the Council, and he describes them as incompetent to deal with the large questions which come before them, referring to the docks at Liverpool, but especially to the docks at Birkenhead, and the interest arising from the possession of those docks; and he goes on to point out what had been done with regard to Shields. The Bill was then before Parliament, and he quotes the language of Lord Campbell in reference to that Bill on its second reading before the House of Lords. He goes on to show himself that such rights could not be obtained at the present time, and could not be exercised if they were in possession of the Crown; and in the strongest manner he urges the Corporation of Liverpool to awake from its lethargy, to view this as a most important question, and to take possession of the Birkenhead docks, and of course, as I have already said, neutralise, or obviate altogether the opposition to the town dues which was likely to arise from that quarter, and to abandon the policy which they had pursued up to that period.

2339. By "such rights," you mean the right to levy town dues?—Yes.

2340. Mr. *Horsfall.*] What is the date of the letter you are referring to?—The date of the letter I am referring to is the 1st of April 1850.

2341. Mr. *Watson.*] Were there any letters in answer to those letters in any other papers?—Mr. Eyre Evans, who was before his constituents, refers to the letters of Mr. Holme, and in some respects deprecates them; but he expresses his opinion that it would be better for the Corporation of Liverpool to abolish the town dues altogether, and make the port a free port.

2342. I think we may safely say that he is not a freeman?—I think not; that is his view of the matter at any rate. He counselled them to be quiet; they had 100,000 *l.* a year, and he thinks they ought to be quiet with that.

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2343. *Chairman.*] What is the state of the Birkenhead case now, as far as regards its bearing on the town dues question?—The position of Birkenhead, excepting the railway interest, is altogether changed. Last year an application was made by the dock trustees, as well as the Corporation of Liverpool; by the former body to extend their docks northwards towards Bootle, and by the corporation to obtain power to make certain improvements in Liverpool, and to raise large sums of money. The implied intention was to charge the town dues with the monies so raised. The committee and the Board of Trade interfered, and the interests involved, all interfered, and the result was that the Corporation of Liverpool purchased the Birkenhead Docks, and charged the town dues with the purchase; they have purchased them on the credit of the town dues, and this has altered very much the position of all parties at Birkenhead excepting the railway companies; in fact their position is altered, but it is prejudiced very much by this arrangement. The previous proposals were these, that the Birkenhead Docks should be purchased by the dock trustees, and that appeared to the railway companies and parties at Birkenhead to be the legitimate mode of proceeding, if the docks were to pass into the possession of Liverpool at all. However, when the discussion arose in committee, it was alleged that the dock trustees had not sufficient security to offer to the owners of the Birkenhead Docks. Now the amount to be secured for the docks was about 1,100,000 *l.*, and the amount to finish them about 900,000 *l.*, making altogether about two millions of money; at the same time, the dock trustees were before Parliament with a proposition to raise from three and a half to four millions of money on the security of the dock estate, and yet it was alleged that they had not a security for the consideration of about 1,100,000 *l.* This was pressed on the committee, and the committee being anxious to get the Birkenhead docks finished in some way or other, led to the arrangement which I have now shortly described; but in this arrangement there was an engagement to come to Parliament for power to transfer the docks at Birkenhead to the dock trustees of Liverpool, the Corporation of Liverpool being liable only during the transition state of things, that so soon as the docks were completed and ready to be worked they should be handed over to the dock trustees, and form a part of the dock estate. It was stated there and then in committee very strongly that it would be necessary at the same time when the dock trustees came before the Legislature, to introduce provisions for the alteration of the dock trust, which, I may state, appears to be the only remedy for all the evils of which we complain on the Mersey.

2344. Is not the Liverpool Corporation in this position: if this Birkenhead purchase turns out a good speculation it will be the property of the corporation, and if a bad one, the property of the dock trustees?—It is so for anything that exists in law; I would not impute this motive to them, but they engaged to come to Parliament, and the only reason assigned for non-compliance is, that the dock estate has not sufficient security; but this cannot be admitted.

2345. I gather from you that you give no credit to the professions of poverty by the dock trustees?—I think they had ample security. I have no idea that parties can come and propose to raise four millions of money one day, and then allege the next day that they have not security for one million; it is incredible to anybody.

2346. You said just now that you considered the position of the dock trust to be the cause of the evils you have on the Mersey?—Yes; I think the relations subsisting between the dock trustees and the Liverpool Corporation are incompatible with the interests of the public, and obviously so.

2347. Was not the Corporation the first maker of docks at Liverpool?—Yes, up to 1709, and subsequently to that; the Act was obtained in 1709, and the dock was made some years afterwards.

2348. Have you given your attention to the Dock Acts?—I have, to some extent. It is clear that the corporation recognised their liability to provide dock and harbour accommodation; they allege, in their recitals, their inability to raise the requisite sum of money to construct the dock; the power to raise the money was confined to 21 years, and there was to be a sinking fund provided to liquidate it; so that, assuming, as has been stated before, that the corporation have the right under their grants, or charters, or other title, to levy dues on new articles of import (my own notion about the matter is, that they are confined to what the brass-plate contained) to the extent of their right to taxation, it

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is clear to me that a corresponding obligation would rest upon the corporation, and that whatever the requirements of the trade were in the Mersey, they would have to meet them out of the income arising from town dues to the extent that the income would enable them to meet them; the earnings of the dock trustees at present amount to about 350,000*l.* or 380,000*l.* per annum; that is raised by dock rates; it is clear to me that to the extent of 125,000*l.*, those expenses ought to be paid out of the town dues; reasoning would carry one to that conclusion; I do not know what law would do, I am assuming that law and reason agreed in this matter.

2349. The Liverpool Corporation continued to give assistance to the docks long after that?—For a time they did; but quietly and successfully they devolved all the obligations, whatever they were under the grant, upon the dock fund, retaining the income, but ceasing to perform the services which I have always understood, from my notions about the matter, they were under an obligation to perform, until now there appears to be no obligation.

2350. By degrees they ceased to apply the town dues in assistance of the docks?—Yes, either in part or in the whole.

2351. And to give land to the dock trustees?—Yes.

2352. They did not remain entirely neutral afterwards, but took a contrary course?—The interests of the corporation became then, so far as funds were concerned, antagonistic to those of the dock trustees. The docks were made out of funds raised on loan for dock purposes, and the land behind the docks which was reclaimed between high and low water mark, not being required for the docks, became the property of the Corporation of Liverpool, and this system was carried on to the extent shown upon that plan; they got about 350 yards in depth, co-extensive with the township and lordship of Liverpool. I see the statement by Mr. Holme, to whom I have referred, is that under the grant and by purchases, the corporation own one-fifth of the soil of Liverpool.

2353. Can you state the general nature of those transactions with the dock trustees?—The general nature was, that the corporation having a paramount power in the councils of the dock trustees, took care that the decisions of that body were consistent with their own interest; all the advantages that should have arisen to the public were appropriated by the corporation to their own special purposes. The land, when it was required again for docks, was resold to the dock trustees, who had actually made it out of public money; of course the corporation became enriched in that kind of way to a very great extent indeed.

2354. The dock trustees made no bargain about the land before they made the dock?—Clearly not, they were identical bodies; the only distinction made was, that they kept separate accounts, and the corporation kept the best account.

2355. The purchases of land between the corporation and the dock trustees were settled by the verdict of a jury, were they not?—Yes, but they instructed both sides.

2356. Besides that, is not this clear, that the value which the land realised was given to it by the works carried out by the dock trustees?—Yes; I have already stated that a part of the land between high and low water marks was required for the construction of docks, and the docks were constructed to the low water line; there was a considerable quantity of land behind the docks, when so constructed, and that became the property of the corporation, and they sold to the dock trustees as much as was required for the docks.

2357. Have you the figures as to the amount of land which was made by the dock trustees, the amount they possess, and the amount the corporation possess?—I have not the figures; it is shown on the plan to be very large; it varies from 350 yards, and perhaps in some instances less in depth co-extensive with the township or lordship of Liverpool.

2358. Do you think that the dock trust has been a profitable affair to the Liverpool Corporation, besides saving the town dues; first, there are the town dues, which ought to have gone to those purposes, and besides that, do you think that they have made money out of the docks?—I think there is not the shadow of a doubt about it.

2359. Who pays that money?—It is raised by loan.

2360. Supposing it has been stated before this Committee that the Liverpool Corporation has gained 1,000,000*l.* out of those transactions, who do you consider pays that 1,000,000*l.*?—Trade and commerce pay it. They pay the interest upon the borrowed money until it is liquidated. The docks have cost 10,000,000*l.*,

4,000,000 *l.* of which have been liquidated, leaving a debt of 6,000,000 *l.* The 4,000,000 *l.* have been paid out of trade and commerce, and the interest upon the remaining 6,000,000 *l.* is paid out of trade and commerce; of course trade and commerce pay the whole.

2361. Whatever sums the Liverpool Corporation has gained by its influence over the dock trustees, are so much more dues levied?—Assuming that the town dues are liable to be applied to dock and harbour purposes.

2362. Without assuming that, if the docks could have been made cheaper, less money need have been raised?—Clearly.

2363. Are you aware how the dock trust has dealt with private proprietors, such as Lord Sefton and Lord Derby; it has been suggested that they followed just the same course with regard to them as with regard to the corporation?—I was present in the committee during the inquiry, and I understood that the dock trustees were buying the foreshore from the parties, and of course taking all the advantages which prudence would dictate in the purchases, that is, taking care to have the land behind. I do not express a confident opinion about it, because I am not very well informed upon the subject.

2364. You do not know the terms of the late purchase from Lord Derby?—I did hear them at the time, but I do not remember them.

2365. Are you aware of any instances in which the Liverpool Corporation have shown that there was a local interest in the town adverse to the dock interest; was not there a question of rating the docks?—Yes, it is publicly known that there was a proposal to rate the docks, and the corporation interfered to prevent it.

2366. From whom did that proposal emanate?—I cannot speak very confidently, except in general terms, as to the origin of that proposal.

2367. Did that proposal emanate from the dock trustees?—From the vestry.

2368. Are you aware that the question of rating or no rating was made a party matter in the elections for the Liverpool town council?—Yes, that has been reported, and I read it at the time; but I do not know the precise nature of the transaction, further than that the corporation interposed to prevent the dock trustees obtaining the power.

2369. Are you aware of any similar question with regard to building warehouses on the docks?—There was a question of that kind, I am informed, on the Liverpool side, and I know there was a strong contest upon the question; but I cannot speak to it of my own knowledge.

2370. Do you consider that the influence which Liverpool has exercised over the destinies of Birkenhead has been injurious to the public?—Yes.

2371. In what respects?—The whole course of legislation has demonstrated that; the first terms imposed upon Birkenhead were ruinous in reference to the tonnage charge, which I may illustrate in two or three words. If a vessel came with 900 tons burden, and discharged 700 tons in Birkenhead, and then went to Liverpool to discharge the remaining 200 tons, and to take in a new cargo or not, the Liverpool Corporation had the power, and charged the whole tonnage on the 900 tons.

2372. You said just now that the Crown granted land worth half a million to Birkenhead?—Yes.

2373. Upon what condition was that grant made?—The land was granted for great public objects, and the condition was that there should be no rates charged on goods for the use of the quays and wharfs of Birkenhead.

2374. Has that condition been carried out?—The proposal is to charge the rates on the quays at Birkenhead, just as they are charged at Liverpool, and to make charges for the use of the rails on the quays. There is a Bill before another Committee of this House at this time.

2375. The object for which the Crown gave that property has not been carried out?—No; and it will not be frustrated if this Bill is carried.

2376. Can you make any suggestion with regard to remedying the different grievances of which you complain? Do you consider the appropriation of town dues to the purpose of purchasing docks in itself an objectionable proceeding or not?—If it were a permanent application of the money, and the residue, whatever it might be, were to be applied to dock and harbour purposes, I should have no objection whatever. I do not object to the imposition of town dues, if those town dues are appropriated to dock and harbour purposes. The traders upon the Mersey do not object to any charges which are necessary for the trade of the Mersey.

Mersey. All that they object to is to paying this enormous sum which is to be passed into the funds of the Corporation of Liverpool, and used for municipal purposes, from which the trade profits nothing, and not for dock or harbour purposes at all.

2377. Are you of opinion that the town council should retain any influence whatever over the dock trust?—I think not; I think it should be a public and independent body; my impression is, that for the sake of Liverpool it is desirable that it should be so.

2378. What is your opinion with regard to the policy of levying town dues, looking at it in a Liverpool point of view?—It is impolitic evidently in principle, and as far as its operation is extended. The Port of Liverpool has thriven so rapidly, and attained such a size, because it is supported by a large manufacturing district at the back of it. The full effect of these imposts is not felt at once, and will not be felt for a considerable time, but in some respects it is operating already. For example, in the article of pig-iron coming from Scotland, we carry pig-iron by the Birkenhead railway, coming from Scotland coastwise into the Mersey, and thence by railway into South Staffordshire, North Staffordshire, and other manufacturing districts. They require Scotch iron to mix with their own descriptions of iron to make the proper composition. This iron is charged with a town due, and so in respect of clay and flint from Dorsetshire; and also iron ore from the neighbourhood of Ulverstone. Now a large quantity of these articles at the present time is diverted either to Saltney on the Dee or to Fleetwood, and is carried past the Mersey altogether, to avoid the charges on the Mersey. The goods manager of the Birkenhead Company can be called, if necessary, to substantiate what I have said; I state the facts generally. He had a proof prepared for the purpose of showing the operation of the charges on the Mersey on this portion of our trade, which is a very serious matter to the Birkenhead Company. On the other hand, the manufactured iron coming down from South and North Staffordshire pays 6*d.* per ton; so that the raw material going inwards, and the manufactured iron outwards, pay dues to the Corporation of Liverpool. In this way it is evidently impolitic and injurious to Liverpool itself, and must become more so as places rise up in competition with Liverpool.

2379. Mr. *Horsfall.*] You took an exception just now to the Birkenhead Dock Bill, which is before Parliament, on the ground that it enabled the corporation to levy the same dues at Birkenhead as are levied at Liverpool?—Yes.

2380. Are you aware that by the Act of last Session it is compulsory upon the corporation to come to Parliament for those powers?—Not for rates on goods.

2381. Will you read the clause in the Act of 1855?—Clause 19, in the Act of 1855, is as follows: "And whereas it is expedient that the Birkenhead Docks should with as little delay as possible be constructed and completed in such manner as may render them most available for the commercial purposes of the Port of Liverpool in connexion with the Liverpool Docks, and that the same rates, dues, and charges should be levied in respect of the Birkenhead Docks as are now, or may hereafter be levied in respect of the Liverpool Docks, and that all the said docks should be placed permanently under the same control and management, and be consolidated with and become part of the existing estate of the Liverpool Docks; Be it therefore enacted, that the corporation shall, and they are hereby required, either alone or conjointly with the trustees of the Liverpool Docks, to prosecute a Bill in Parliament in the next Session, for obtaining the requisite powers for accomplishing the several objects aforesaid." The understanding of the railway interest, although they were no parties to this Act, was, that it referred to dock dues, which they did not object to pay. If they had been aware that it was intended to charge rates on goods for the use of the quays and wharfs at Birkenhead, and also to make a large charge for the use of the rails on the quays at Birkenhead, they certainly would have opposed any such arrangement most strenuously. I may state that the proposed charges for the use of the rails at Birkenhead amount to nearly as much as the charge from Chester to Birkenhead by railway.

2382. Are not those charges in strict accordance with the Company's Act?—I think not; that is not our reading of it.

2383. Mr. *Watson.*] You read the clause in a different way on the two sides of the Mersey; there is the Birkenhead construction, and the Liverpool construction. The words are, "the same rates, dues, and charges should be levied in

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respect of the Birkenhead Docks as are now, or may hereafter be levied in respect of the Liverpool Docks, and that all the said docks should be placed permanently under the same control and management, and be consolidated with and become part of the existing estate of the Liverpool Docks." You observe the material words are, "rates, dues, and charges"?—If that construction is maintained, and the Bill is passed, then the Birkenhead Company will be placed in a very awkward position.

2384. There is a right construction and a wrong construction; the Liverpool construction may be right, and the Birkenhead construction wrong, or *vice versâ*?—Yes; but we shall be very wrong, if we are wrong.

2385. Mr. *Horsfall.*] Were you in the committee-room when that clause was discussed?—I might have been there; I do not remember that we took any part in it.

2386. Are you not aware that the Committee proposed to give powers, last year, without the necessity of the Liverpool Corporation coming to Parliament this year, which was only prevented on a matter of form by the interference of the Speaker?—I do not know, if that had been proposed, that would have been our view of it at the time.

2387. *Chairman.*] If that construction which has been suggested to you be right, then the intention of the Crown, that there should be no rates charged at Birkenhead, has been already frustrated?—Clearly; and we are before the Committee to oppose any such law being enacted for Birkenhead.

2388. With regard to the conservancy of the Mersey, have you paid any attention to that?—Yes. I have made general observations, and I have heard evidence on two or three occasions; that has all proved to demonstration the unsatisfactory condition of the conservancy. One of the members of the Liverpool Corporation spoke strongly about the disregard of the conservancy; that on the Wallasey side the promontory or embankment is being carried in immense masses into the channel of the river, and the material is of such a character that it consolidates and becomes hard, and threatens to interfere very seriously with the channel, and on the opposite side the present conservators allowed the dock trustees to project the wall into the river 100 yards beyond the Parliamentary line, throwing the water on to the Wallasey side.

2389. Can you state what the present conservancy of the Mersey is?—Captain Evans is the acting conservator.

2390. He is not the conservancy, is he?—He is the acting party.

2391. Who are the conservators?—I do not know their names.

2392. Who pays Captain Evans?—I think the Liverpool Corporation pay all, or a portion of his salary; that is what I have heard.

2393. Have you any view as to the establishment of an efficient conservancy for the Mersey?—I think the whole interests of the Mersey ought to be merged into one management, and that that management should be a public management.

2394. Do you mean the docks, the receipt of the town dues, the conservancy of the river, the lights and beacons, and preserving of the channel?—Yes; the whole should be consolidated under one body to be appointed, and that body should not be a local body under local influences, but a body acting for the public interests only.

2395. Mr. *Watson.*] Birkenhead included?—Yes.

2396. Mr. *Horsfall.*] And the railway companies?—In my scheme they would come in.

2397. *Chairman.*] How would you appoint this body?—There is some difficulty about it, but it has occurred to me that this would be a feasible plan, to have a body of 24 appointed; that Lancashire should appoint 6, and Cheshire should appoint 6, the dock ratepayers of Liverpool should appoint another 6, and then in respect of the public rights, that is, the conservancy, the Board of Trade should appoint another 6.

2398. Who do you propose should appoint the members in Lancashire and Cheshire?—The quarter sessions.

2399. A claim has been put forth by Mr. Ashworth, from Manchester, that the dock ratepayers should be represented?—I have mentioned six for the dock ratepayers.

2400. You say at Liverpool, he claims that all those who pay dock-rates should be represented?—I mean the dock ratepayers to the fund in Liverpool; I do not mean to say that they should be resident in Liverpool.

2401. You think that that would be a preferable scheme to having a body appointed

appointed by the dock ratepayers merely?—I do, for the obvious reason that the dock ratepayers might have interests apart from the public in general.

2402. Mr. *Horsfall.*] Complaints have been made from Birmingham; why should Birmingham be excluded?—They would have a representation in the six appointed in Lancashire and Cheshire. There would be an objection to appointing members too far off the scene of labour. I think that would spread the influence over a sufficient area to prevent any local interest predominating.

2403. *Chairman.*] Do you agree with Mr. Ashworth, that these are matters of national and not of local concern?—Yes.

2404. Mr. *Horsfall.*] Perhaps you would like to see the whole management in the Board of Trade?—No. I have a great respect for the Board of Trade; but I think that the management should not be wholly entrusted to them.

2405. Mr. *Watson.*] If the interest of the public was against the docks the docks would be represented by six, therefore there would be 18 against the docks?—The docks are clearly connected with the public. There would be 12 from the two counties who would be taken a sufficient distance from any local influence, so that there would be no probability of any local influence predominating.

2406. Mr. *Horsfall.*] Would you propose to have the dock bondholders represented?—No; their interests are amply secured; that is not the case in any corporate body. In railway companies, by whom large sums are borrowed, the bondholders have no voice, because their interest is sufficiently secured.

2407. Mr. *Beamish.*] Perhaps you think that the public department would look after the interests of the bondholders?—They do; they do not allow companies to borrow more than a certain sum of money.

2408. Mr. *Hardy.*] Would you apply the system which you have suggested as a general rule to all the ports in the kingdom?—I see no reason why it should not be so applied.

2409. Mr. *Horsfall.*] I presume you agree with Mr. Heron, that notwithstanding all the disadvantages of the town dues, and all the bad management of the Liverpool Corporation, and the Liverpool dock committee, Liverpool has progressed in a way in which no town in the world has progressed?—I do not deny the prosperity of Liverpool; I think it is as free from anything of complaint as any other town. I complain of the system; the system is essentially bad, and I would not put temptations before them; however pure they are, I would keep them straight by law.

2410. I am speaking of the results?—Liverpool has prospered; and I have already stated that it was impossible that it should be otherwise, owing to the immense manufacturing district behind it. The minerals that pour into the port would necessarily bring about a state of prosperity in Liverpool; it cannot be otherwise than that it should prosper; but there is a limit to which imposts can be made upon a prosperous trade.

2411. Lord *Hotham.*] Would you propose to include docks which are the property of private individuals under your scheme?—No.

2412. Or the property of shareholders?—I would not.

2413. Mr. *Fenwick.*] Are the Birkenhead Docks the property of shareholders?—No, they were transferred to the Liverpool Corporation last year, and they have become public property.

2414. Have you taken your scheme of governing from anything which already exists?—No; only from looking at the necessities of the case. There is a difficulty in suggesting a body free from local influence, and at the same time useful as a governing body.

2415. You do not know of any river where that mode of government is already in existence?—I have not had my attention turned to that.

2416. Do you know anything of the River Dee, at Dundee?—No.

2417. Do you know anything of the Tyne?—No.

2418. You do not know that there is a similar kind of government for those rivers?—I do not know. What I have suggested is merely the result of reasoning from observation.

2419. Mr. *Horsfall.*] When you speak of the Board of Trade appointing six, are you aware how the Board of Trade is constituted?—They are appointed as public officers, and my reason for naming them is, that they are responsible to Parliament for what they do.

2420. Are you aware that the Archbishop of Canterbury is a member of the Board of Trade?—No. I do not know that I should object to him on that ground. I should think that he would act from purer motives.

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2421. *Chairman.*] You think that at all events he would do you as much justice as the Liverpool Corporation?—I do not think he would be a party to anything that we complain of. I ought to assume that at any rate.

2422. Mr. *Watson.*] Birkenhead sprang from the great prosperity of Liverpool, did not it?—I suppose it was the result of what was taking place at Liverpool.

2423. Were you one of the persons who took a great interest in the creation of Birkenhead?—Not at first; my connexion with Birkenhead dates from 1848.

2424. It was at work some time before then, was not it?—A portion of it.

2425. When were the docks first opened at Birkenhead?—The first dock was opened in 1847.

2426. Therefore the speculation of Birkenhead Town and Birkenhead Docks was, that the trade of Liverpool was increasing to such a vast extent that you could make a good thing on that side of the water?—The impression was, that there was an opening for new docks.

2427. But it has turned out quite the reverse?—The circumstance that led to the origin of the Birkenhead Docks was this: the Liverpool Corporation was extending its dock system right and left, north principally, and south to some extent; and it was deemed by parties interested in the trade an impolitic arrangement for the docks to be carried so far from the centre of the town; and as Birkenhead was right opposite to Liverpool, and had the command of the south side of the Mersey, it was deemed a feasible plan to construct docks on the side so well naturally adapted for the purpose.

2428. You have talked of the railway interest and the dock interest; is the railway interest at Birkenhead distinct from the dock interest?—Altogether.

2429. You represent the railway interest?—Yes.

2430. You have no longer any interest in the docks, inasmuch as they belong to the Corporation of Liverpool?—None whatever.

2431. How do you propose to improve the railway interest; I understand that your great complaint is, that the railway interest is very much injured?—We say that the extent of the town dues operates against the trade; I have explained that in several articles of merchandise, of which we are carriers to a large extent, the town dues are operating already.

2432. You do not care about Liverpool levying the 6*d.*, provided it does not levy it at Birkenhead?—I say it should not be levied at all, unless it is applied to the purposes of trade and commerce, it is laid on the trade and commerce of the public, and to that extent it is injurious to the trade and commerce of the public, because it is appropriated to local purposes.

2433. You have used the word "unconstitutional;" what do you understand by the word unconstitutional as applied to this tax?—What I understand is this, that it is incompatible with the principle of taxation that general taxes should be imposed for strictly local objects; the parties paying the taxes having no interest whatever in the tax; that is my idea of an unconstitutional taxation.

2434. You are aware that there are various ancient rights in this country, such as petty customs in ancient ports, and tolls paid upon fairs, and tolls paid upon markets; do you put them in the class of a tax?—Yes; they are a tax, of course; but I make this distinction with reference to tolls in fairs and markets, that there is a provision for the accommodation of the parties frequenting them.

2435. Are you aware that the owner of a fair who takes a toll upon the articles sold, may not have one single particle of property in the land, and may not provide one thing?—He has an interest.

2436. Are you aware that the land may belong to one person, and the fair to another?—Yes.

2437. In that case, the owner of the fair or the market has a market or a fair toll, and does nothing, and finds nothing for it?—In all such cases there are certain portions of the land in towns provided for market accommodation.

2438. You do not understand that the land belongs to one person, and the fair or market to another?—I do not understand that.

2439. Do not you know that the right to erect stalls belongs to the owner of the soil, and the right to take a market toll belongs to the owner of the market?—The man has a right in the soil for a limited purpose, the owner of the toll has a right to the user of the soil to that extent.

2440. What does the owner of the market do in that case?—He provides a site for the market, for the conduct of the business.

2441. That belongs to another person?—I say that he has a right to the soil to that extent.

2442. With

2442. With regard to the present case, here is a port which was constituted long ago, and there is a reasonable toll imposed; I suppose you do not deny that?—Yes, I do.

2443. Do you mean to say that a reasonable toll did not exist at the formation of the port?—I say it is unreasonable as it stands now.

2444. Was there a toll, or a petty custom, according to your view, at the creation of this port?—I am not aware what the toll was; I will presume that to be the case.

2445. Was that petty custom legal in its origin, according to your view?—I presume it was.

2446. What has occurred since to make it illegal?—This, that it is now extended beyond the limits of the grant.

2447. Co-extensive with the origin of the port and the creation of the toll, what has there come since to make it illegal?—In anything I have said, I do not allege that it is illegal to the extent of the original grant, and within the limits; I have objected to it on other grounds.

2448. First of all, I will take the limit; you derive that from certain ancient documents, some of them in the time of Henry the 8th, as I understand, and some more recent; are you not aware that according to the rules of construction those documents are construed by contemporaneous user?—I am not aware of the fact; I should presume it was so.

2449. Are you not aware that evidence of contemporaneous user is the constant payment for a series of years, 20 or 30 or 40 years?—It may be so in law, but it does not appear consistent.

2450. Can you show me any evidence, any doctrine, by which you can prove that those tolls which are now levied have not been levied from all time?—With regard to number, that is quite clear, and with regard to the limits of the port, it does not appear that they have always been collected within the same limits.

2451. Have you any evidence to show that any part of the port which is now subject to the tolls has been free from the tolls?—There is presumptive evidence, although there may be no positive evidence; at one time, the waters of the Mersey were the limits of the port, and now they are extended beyond.

2452. What evidence have you of that?—The mere fact that they adopt the Customs port.

2453. Have you any thing to show that any place which now pays tolls did not pay tolls from all time?—I have no positive evidence beyond what I state.

2454. Now as to the amount of the toll, have you any reason to suppose that this toll has been increased in modern times?—I do not know.

2455. Has it not been decreased in modern times?—It was decreased under Bolton's suit.

2456. I want to know from you, whether the toll as granted, you consider to mean a reasonable toll?—I will assume that.

2457. With respect to the toll upon new articles which are brought in, is there anything to show that the toll which is imposed upon modern articles is an unreasonable toll?—I should think so.

2458. Will you give one instance?—You may take the article of iron, or the articles of clay and flint; they are new as imports.

2459. Is the toll upon the value of the article, or upon the amount of the article?—Upon the value and the amount too.

2460. Is there anything contained in the grant of this toll to show that it is to be an *ad valorem* toll?—I do not know that there is; this is the point that I am making, that an article worth 10*l.* or 12*l.* pays no more than an article worth 3*s.* or 4*s.*; you cannot call both reasonable amounts.

2461. In the course of your legal studies, have not you found that the charters contain the words "upon all articles of merchandise brought into such a port, 2*d.* a ton," so that it would be payable by ton and not by value?—I have read these charters, and they prescribe nothing of the kind.

2462. Can you show me in any case of petty customs by charter where the charge has been *ad valorem*?—My knowledge of charters is confined to what I have read here to day.

2463. How long have you prosecuted your studies upon this subject?—For the time I have named.

2464. For six or seven years?—Generally; but not till the last few weeks, to make myself intimately acquainted with it.

2465. What you complain of is, that it is excessive and unreasonable, and that

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that it is taken *ad valorem*?—I say that the charges are made in a capricious way, without regard to any principle whatever.

2466. What do you mean by "capricious;" does the charge rise and fall?—I mean that in the imposition of rates upon new articles, there is no rule; the rate is not laid down according to the value of the article or according to any rule, and it is not laid by any recognised authority.

2467. Is it not raised per ton?—When a package or parcel or bag is brought in, one party says it shall be so much, and the other says it shall be so much.

2468. You have used the word "arbitrary;" why is the charge an arbitrary charge?—I say it is an arbitrary charge, unless it is according to the value of the article.

2469. Do not packages of woollen goods pay the same charge?—Yes.

2470. And packages of linen goods?—Yes; when once the charge is fixed they pay so much.

2471. They pay so much per ton, and there is no pretence for putting it upon the value?—I think there is a clear requirement.

2472. Is there anything in the Liverpool tariff to show that it is a charge upon the value of the article?—In practice there is no recognised tariff at all; they do not publish a tariff; I say that is one of the grounds of complaint; if the corporation passed a resolution deciding that an article of commerce should pay a certain amount, it would afford an opportunity of discussing the reasonableness or unreasonableness of the charge; the public would be made acquainted with it, and something like a reasonable conclusion would be come to; whereas it is done in the irregular and unconstitutional manner I have already described.

2473. Is your objection that it ought to be charged upon the value, and not upon the quantity of the article?—If the charge is to be made at all, although I object *in toto* to it, it should be made in a formal deliberate manner by a properly constituted body.

2474. My question was, is your objection that it ought to be charged upon the value, and not upon the quantity of the article?—In some instances quantity would be an element, and in some cases value; in others the bulk; all of them must be elements, of course.

2475. That is your objection?—Of course; that the charge should be fairly laid down.

2476. You also say that you object *in toto* to the charge?—Yes, unless it is applied in the way I have stated.

2477. Mr. *M. Gibson.*] Your main objection, in fact, is, that you are taxed without any consideration for the tax which you pay?—Of course; if the House were to enact that on or after a certain day town dues or any other dues collected on trade and commerce should be applied to the purpose of trade and commerce only, I should have nothing to say.

2478. Secondly, you object that this tax is imposed in an arbitrary and uncertain manner by no fixed rule?—Precisely. Perhaps the Committee will allow me again to refer to the constitution of the dock trust. I think the honourable Member for Liverpool suggested a little difficulty; it has been alleged that a trust constituted of gentlemen from a distance would not work well, because gentlemen of influence, and only those ought to be on the trust, would not travel a considerable distance to perform the services of the trust. In all public bodies an executive committee is appointed, and it would be the object of the body to appoint such gentlemen as could make it convenient to attend to the business; the larger body would be the conservative body to step in when any large undertaking or large expenditure was under discussion; the practical working of the routine business would be disposed of by parties residing in Lancashire or Cheshire.

2479. Mr. *Horsfall.*] You would give the Liverpool people all the working department, and the Manchester people all the honour?—No, I would divide it equally amongst them.

2480. *Chairman.*] Is it considered any objection to a shareholder in a railway company having a vote because he resides at a distance?—None at all.

2481. Mr. *Watson.*] How many members would you appoint for Birkenhead?—That would depend upon the quarter sessions.

2482. Mr. *Horsfall.*] You have stated that you are a member of the Town Council of Manchester?—Yes.

2483. Does the station of the Manchester, Sheffield, and Lincolnshire Railway Company belong to the Corporation of Manchester?—No.

2484. Does the station of the Lancashire and Yorkshire Railway Company belong to the Corporation of Manchester?—No.

2485. Are you aware that the Manchester, Sheffield, and Lincolnshire Railway Company pays 150 *l.* a year for the right of selling produce in their own station, which is the property of the railway company?—I have no knowledge of it, but I have no doubt it is the case; it is not in my department.

2486. Are you not aware that the Lancashire and Yorkshire Railway Company pays 500 *l.* per annum to the Corporation of Manchester for the right of selling produce in their own station?—I do not know it, but I do not doubt it.

2487. We will assume that to be the fact; I wish to ascertain whether you consider that a practical illustration or a practical definition of your word "unconstitutional"?—No; I will tell you why: we have provided the requisite markets, and the land is there unoccupied. The corporation have purchased, for 200,000 *l.*, the manorial rights, and they have erected very expensive markets; the railway companies were diverting the traffic and doing the business in their own stations that should be done on the market land of the corporation, and were thereby depriving the corporation of its revenue, on which it relied to pay the interest on the money, and to liquidate the principal; that is the explanation I have to give.

2488. I presume you are not an advocate for monopoly?—Not at all; the provision is to abolish certain rates as soon as the money is liquidated.

2489. You charge those two railway companies a certain sum of money, although you give them no benefit?—But we provide accommodation which they do not use; it is a convenience to traders that the business should be carried on there.

2490. You have given many opinions on matters of law as well as upon the title of the Corporation of Liverpool; will you be so good as to state to the Committee whether you are or not a professional man?—I do not know what you mean by professional.

2491. Are you a solicitor, or a lawyer?—Certainly not; perhaps it is my misfortune that I am not.

2492. Mr. *M. Gibson.*] Has the Crown the power of altering the limits of the Port of Liverpool?—The Admiralty have the power, and they have exercised the power. I see nothing to prevent the Admiralty altering the limits of the port at present, if they pass an order.

2493. Supposing the Admiralty were to extend very greatly the limits of the Port of Liverpool, do you understand that the Liverpool Corporation would acquire an extended right to levy these tolls?—It would be only carrying out the principle upon which they are acting as a matter of course, however far the port was extended.

2494. However far the Crown extended the Port of Liverpool, you believe that the Corporation of Liverpool would acquire an increased right of taxation?—If the doctrine which they allege is correct, of course they would.

2495. Mr. *Vance.*] I understand you dispute the legality of the town dues to the extent to which they are charged by the Corporation of Liverpool?—In some form I have, but I have not denied the right of the corporation to charge town dues within certain limits, and to a certain extent.

2496. But you say, that they charge the town dues beyond their legal limits?—Yes.

2497. You have mentioned, that there was a large organisation formed in your neighbourhood?—I said that there was an organisation; I did not say it waslarge.

2498. Does that organisation include railway companies and merchants?—It does include them.

2499. Is it not worth their while to dispute these tolls in a court of law if they have a strong reason to believe that they are not legal?—They consider them as much impolitic as illegal. They take this view: if they are proved legal, the law is a bad one, and it ought to be altered.

2500. You distinctly said, that you believe them not to be a legal impost upon trade?—Yes, beyond the limits, but I fear that no individuals or bodies would go to the expense of contesting a question like this with the Corporation of Liverpool, they having such an enormous fund to carry on litigation with.

2501. Would not the organisation that you speak of enable them to get funds enough to defend a suit with respect to these tolls?—Probably so, but they think they are entitled to relief from Parliament, instead of entering into a lengthened

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law suit which would be pending for years perhaps, and during which time enormous sums of money would be imposed on commerce.

2502. Why do you assume that the litigation would last for years; is there anything more to be done than to put the Corporation of Liverpool on their title, and to force them to show their right before a court of law to levy these dues?—That involves a very great deal in my apprehension; it is a very short statement, but I fear it would be a very long proceeding.

2503. Mr. *Duncan.*] Do you think that the Corporation of Liverpool at this moment has any right to charge town dues upon goods at Birkenhead?—I think not, that is my own impression, and always has been.

2504. Do you think if the parties who originated the Birkenhead docks many years ago had been able to carry out their intended works, that any town dues would have been charged at Birkenhead?—I think not; I have already stated, if the Birkenhead docks had been carried on by the independent parties who originated them, that these town dues would not have been tolerated.

2505. Mr. *Fenwick.*] Do you think they would have been contested in a court of law?—Yes, or in Parliament.

2506. Mr. *Hardy.*] You said that you attended a good deal before the Committee last year?—Yes.

2507. Did not the Birkenhead people, at that time, generally admit the legality of the dues which were levied?—No; all the observations which were made in Committee went to the effect that the town dues should not be considered as compromised by anything that took place in that Committee.

2508. Did not the Birkenhead witnesses admit the legality of the town dues?—Clearly not; the Birkenhead parties, the Commissioners, and the dock trustees, always appeared in opposition to them.

2509. *Chairman.*] You say that people are not willing to litigate the question of the town dues; do you view this as a question of taxation or of property?—I have represented it as a question of taxation, as distinguished from that of individual property.

2510. What do you say with regard to the question of property. You are aware that it is stated, on behalf of the Liverpool Corporation, that the town dues are as much their property as the estate of any private gentleman is his property?—A right of this nature differs essentially from property.

2511. Mr. *Hardy.*] Supposing the right had remained in Lord Sefton, would it have been property then?—It would not have been exercised as it has been exercised by the corporation.

2512. Mr. *Horsfall.*] Do you think the Manchester Corporation has a legal right to levy the market dues at the railway stations?—I really do not know; I presume they have.

2513. You are a member of that corporation, are you not?—Yes, but it is not in my department; my department is the Improvement Committee.

2514. Mr. *Moffatt.*] You do not know actually, of your own knowledge, of the existence of those tolls at the railway stations?—I do not; but I do not doubt the fact which has been stated by the honourable Member for Liverpool.

2515. *Chairman.*] Are you not aware that the grant of a market implies the right to bring an action against any one who disturbs the market?—That is my impression.

2516. Would it be lawful for the corporation to give up the right for a certain sum of money?—I apprehend they could not give it up without a dereliction of duty.

2517. Mr. *Horsfall.*] Supposing the corporation of Manchester had a legal right to those dues, would you consider it unjust for those dues to be taken away from them without compensation?—Yes.

2518. If the Liverpool corporation has a right to their town dues, do you think they should be taken away without compensation?—Not to the extent of their rights, I have not denied that they have a right within certain limits, subject to an obligation.

2519. *Chairman.*] Can you state on what principle the compensation ought to be calculated?—Taking the number of articles set forth originally on the brass plate, and levied within the ancient limits.

2520. Who is to pay the compensation?—I am not proposing to abolish them within the town and lordship of Liverpool; I would leave the right with the obligation of performing the services and duties which devolved upon them originally; if they did that I would leave them in the enjoyment of the right.

2521. Are

2521. Are you aware in an action for tolls that the party is obliged to show consideration for the tolls?—Yes.

2522. You were asked about contemporaneous user, and it was put to you that a grant has to be explained by contemporaneous use, do you suppose that doctrine goes to this extent; if I had a grant to fish in the Mersey, that contemporaneous user would transfer that to a grant to fish in the Ribble?—No, that is the ground upon which I object; I do not object to the exercise of the right within the limits; I do say that the services connected with the right ought to be performed.

2523. When contemporaneous user is spoken of as explaining a right, does not it require some qualification, that in the document, the charter, or whatever it is, there is some ambiguity to which user may give an explanation?—I think if the grant is definite and precise, there can be no question raised.

2524. Which do you consider superior in natural advantages, Birkenhead or Liverpool?—I think it is generally admitted that the natural advantages are on the Birkenhead side; it is under the weather; it is screened by the Bidstone Hills from the westerly gales that blow across the Atlantic. It is the deep side as to water, and Wallasey Pool affords the most convenient site for docks imaginable; it is about three miles in extent inland.

2525. Mr. *Horsfall.*] When you say that the advantages of Birkenhead are generally admitted, do you refer to us making that admission?—To engineers, commercial men, and nautical men with whom I have conversed to a considerable extent; parties not having any prejudices at all as far as my observation has extended, generally concur in that opinion; it is my own opinion so far as I can form one.

2526. Do you think, so far as the merchants of Liverpool prefer Liverpool, that it is the effect of prejudice?—Their establishments, their property, and all their interests, are consolidated at Liverpool; it is not prejudice on their part, it is interest.

2527. *Chairman.*] Has not Liverpool an advantage, in being nearer Manchester and that district that lies to the north, than Birkenhead?—Yes.

2528. As a port you consider Birkenhead to be superior?—Manifestly so.

2529. Then the money which has been spent, and the trouble which has been taken to prevent Birkenhead from being a port, and to make docks to the north of Liverpool, has been depriving the public of an advantage?—Yes.

2530. Mr. *Beamish.*] Are not the rates by railway between Birkenhead and Manchester, and Liverpool and Manchester the same?—Yes.

2531. Therefore the advantages are equal?—Yes; but the railway company has made a sacrifice, to adapt itself to the requirements of the trade.

2532. You represent the Birkenhead Railway?—Yes.

2533. Therefore as a Birkenhead man, and as a Birkenhead Railway man, you are deeply interested in getting rid of these dues?—No doubt that is so.

Joseph Heron, Esq., called in; and further Examined.

2534. Mr. *Horsfall.*] YOU heard the questions which I put to Mr. Bancroft with reference to the Manchester, Sheffield and Lincolnshire, and the Lancashire and Yorkshire Railway Companies, paying market tolls to the Corporation of Manchester; I believe you wish to give some explanation upon that subject?—Yes; I was anxious to explain shortly the nature of those payments, and under what circumstances they are made. It has already been stated that the Corporation of Manchester had given 200,000*l.* for the manorial rights within the township of Manchester; that in addition to that amount of purchase-money they have laid out in providing better accommodation for those who frequent the markets, something like 50,000*l.* in one market only. It has been explained that those manorial rights extend over the township of Manchester only, and the only means which they had of obtaining for the inhabitants of the city at large a return for the expenditure of that large amount of money in buying the manorial rights, and in providing accommodation, are the manorial tolls, to which by that purchase the corporation had become entitled; now, of course, we have the right to prevent any markets being established by private individuals within the limits of the township or manor, or within a certain area round. It was felt that it would be a great accommodation to the public, and I will say an advantage to the railway company, if a market for certain articles could be established at the Lancashire and Yorkshire Railway Station, in order that the potatoes (for it was

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for potatoes only), which were brought in large quantities out of Yorkshire and the other districts by that railway, might be exposed for sale at the station, and an arrangement was finally come to with the company, in order that the public might obtain the advantage, which it was felt it would be of having a public market for potatoes, not by retail, but in gross, and the railway company also get the benefit of the traffic; it was arranged that instead of the corporation taking the tolls in respect of the various sales, we should, as it were, commute the probable amount of tolls into a fixed sum, which should be paid to the corporation in lieu of the tolls in detail which they would have a right to go and claim through the instrumentality of their inspector, or rather collector; therefore the 500*l.* a year which has been spoken of, is a commutation, in fact, of the tolls which the corporation would have been entitled to collect as lords of the manor, in respect of market accommodation that was there obtained. We provide accommodation elsewhere, and to that extent we are deprived of the tenants, which, if we did not allow the market to exist there, would otherwise be obliged to go and sell their produce in the market provided by the corporation at the public expense, and the same arrangement was afterwards made with the Manchester, Sheffield and Lincolnshire Railway Company.

2535. You have confirmed what Mr. Bancroft stated?—Not exactly.

2536. You have stated to this Committee that the Lancashire and Yorkshire Railway Company pay 500*l.* a year, and that the Manchester, Sheffield and Lincolnshire Railway Company pay 150*l.* a year to the Corporation of Manchester, for which the corporation provide them no accommodation whatever; is not that, in fact, confirming Mr. Bancroft's statement, and giving a practical illustration of Mr. Bancroft's view of a constitutional right?—I do not think it is necessary for me to explain what may be meant by words used by any other witness; I most respectfully but firmly deny the interpretation put upon my evidence; so far from admitting anything of the kind, I respectfully but energetically protest against it. I say we did not obtain the manorial rights for nothing; we have paid 250,000*l.* for the right to those dues; therefore we have given full consideration for them; we have provided accommodation for those parties who choose to go into the markets; and if the position taken by the Honourable Member was to prevail, it really amounts to this, that we ought to allow parties to establish markets right and left, so as to completely depopulate the markets provided at the public expense, and the 200,000*l.* which we had paid for manorial rights; and the 50,000*l.* we have expended in providing accommodation for the public would be entirely thrown away, it seems, that we are doing something which is considered similar to levying town dues at Liverpool, from which trade and commerce get no return, in collecting dues for which we have paid such a large price, and rendered such large services.

2537. Mr. *Beamish.*] You do not give any value in the shape of buildings for those markets, although you have provided accommodation for the public at large?—In that particular case there is no accommodation required, except the land for the purpose of exposing the potatoes for sale; we do not provide the land; but the rent is considered, of course, in the arrangement made with the company as to the amount which is paid; in fixing what the annual sum shall be we consider that we are not put to any expense in providing the accommodation made use of, and make the proper allowance.

2538. Mr. *Horsfall.*] You provide no accommodation whatever at those stations for those two railway companies, do you?—Certainly not; except as explained.

2539. You exact from one company 500*l.* a year, and from the other 150*l.*?—We merely obtain the tolls to which we are entitled, and no more; and in return a market is provided.

2540. You claim that payment by right?—Yes; and we perform very large and expensive services in return for those tolls, just as they do in relation to the markets in Liverpool.

2541. Mr. *Beamish.*] It does not cost you anything to collect those sums from the companies, I presume?—All those questions are considered in the sums which we receive from the railway companies.

Lunæ, 26° die Maii, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Lord Hotham.
Mr. Horsfall.	Mr. Hardy.
Mr. Duncan.	Mr. Bouverie.
Mr. Milner Gibson.	Mr. Watson.
Mr. Fenwick.	Mr. Beamish.
Mr. Moffatt.	Sir Stafford Northcote.
Mr. Vance.	

THE RIGHT HON. ROBERT LOWE, IN THE CHAIR.

James Bancroft, Esq., called in; and further Examined.

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2542. *Chairman.*] I BELIEVE you wish to make some addition to or explanation of the evidence which you gave the other day?—Explanation mainly in regard to Question 2363, and the following questions, upon the subject, up to 2368. In the confusion of the moment, I misstated the parties in regard to rating the docks at Liverpool; I should have stated that a proposal was made to Parliament by the vestry to rate the docks at Liverpool; that this proposal was opposed by the Dock Committee, but that the chairman of that committee, being a nominee of the corporation, refused to affix the seal to the petition, thereby depriving the Dock Committee of the power of appearing in Parliament against the Bill.

2543. That was Mr. Henderson?—I believe it was; in regard to another question, 2379, put by the honourable Member for Liverpool, I complained that part of the instructions of the House of Commons of last year had not been complied with by the Corporation of Liverpool. Some questions were then put to me in reference to the rating part of those instructions; and I omitted to state, that in a latter clause it was expressed, "That all the said docks shall be placed permanently under the same control and management."

2544. Is not that a clause in the Act of last year?—In the Act of 1855.

2545. The Act passed by the Committee on the Liverpool and Birkenhead Bill?—Yes. This part of the clause required the Corporation of Liverpool, the clause I am reading, to come to Parliament this Session, for the purpose specified, "that all the said docks should be placed permanently under the same control and management, and be consolidated with and become part of the existing estate of the Liverpool Docks: Be it therefore enacted, that the trustees shall and they are hereby required, either alone or conjointly with the Corporation of Liverpool, to prosecute a Bill in Parliament in the next Session, for obtaining the requisite powers for accomplishing and giving full effect to the several objects aforesaid." Now the reason assigned for not coming is expressed in a paper brought forward this Session, headed "Statement in support of the Second Reading of the Bill in the House of Commons."

2546. Lord *Hotham.*] What Bill are you referring to?—The present Bill in the House of Commons.

2547. Mr. *Horsfall.*] Brought in by whom?—I believe by the Corporation of Liverpool.

2548. Lord *Hotham.*] You do not mean the Local Dues on Shipping Bill?—The Dock Bill now before Parliament, which was required to contain the things which are specified in their own Act of Parliament; and the paper states that "The present Bill proposes to carry out the whole of those objects and this also; that is, the application to consolidate would have been made, but the trustees are not in a financial position to assume the debt already contracted for this purchase."

2549. *Chairman.*] That is, the dock trustees?—Yes; or to become liable for the additional debt to be contracted for the completion of those works.

2550. Lord *Hotham.*] I presume you are aware that an entire change in the

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constitution of the dock trust has taken place since the circumstances to which you refer took place; and as to the question of rating the docks, that was prior to 1851, was not it?—I think not; my impression is, that it is not prior to the present constitution. I have already described the corporation as having a paramount influence in the councils, and having a veto over the proceedings of the Dock Committee.

2551. The paramount influence is only this, that the Chairman is chosen out of the 12 members of the body, and must belong to the corporation?—Yes; if they have the power of vetoing any resolution of the Dock Committee, of course their influence is therefore paramount; there can be no doubt about that.

2552. Mr. *Horsfall.*] Are you not aware that the circumstances to which you alluded, where Mr. Henderson refused to put the seal to the application to Parliament, took place in 1849?—No, I am not aware of the precise time; I remember distinctly the discussions that took place at the time in the newspapers generally, upon the subject of warehouses. I do not recollect, but of course that is subsequent to the time mentioned by his Lordship.

2553. Presuming that it did take place in 1849, and that the alteration of the Dock Trustees took place in 1851, should you then have answered the questions which have been put to you in the affirmative?—I should say that in that event there has been an alteration, but not such an alteration as deprives the Corporation of Liverpool of its ascendancy in the councils of the Dock Trustees; that is obvious enough from the fact that they have power to veto their proceedings.

2554. *Chairman.*] Has not the Chairman of the Dock Committee two votes, an ordinary vote and a casting vote?—As a matter of course, I presume that is so.

2555. So that there is a clear majority?—Clearly so, and failing the majority, there is the power behind to veto.

2556. Mr. *Horsfall.*] Are you aware that the Chairman of the Dock Committee is elected by the Dock Committee themselves, and not by the corporation?—I presume that is so; I take it from your statement; I have no doubt it is so; but it does not alter the nature of the body, in my opinion, as he is chosen out of the members elected by the corporation.

2557. Lord *Hotham.*] What you alluded to was given in evidence in 1851, was it not?—Yes.

Mr. *Thomas Livsey*, called in; and Examined.

Mr. *T. Livsey.*

2558. *Chairman.*] YOU are one of the Commissioners of Improvement of the town of Rochdale?—I am.

2559. How long have you been so?—About 18 years.

2560. Are you authorised to attend this Committee on behalf of that body?—I am, by the Commissioners of Rochdale.

2561. Did you attend the inquiry before the Shipping Dues Commission?—The second one I did, in Liverpool.

2562. Did you take any part in it?—I did.

2563. Did you make a statement before them?—I made a statement before them in reference to the injustice which we considered it was to us in Rochdale.

2564. What was the injustice?—The town dues that were levied upon our goods.

2565. Has that subject occupied the attention of the people of Rochdale since that time?—Since that time it has; previous to that, I do not know whether any one in Rochdale was aware that we were paying such large sums to go into the pockets of the people of Liverpool; we were taken by surprise by the statements made about that period.

2566. Were you yourself aware of it?—I was not, until just immediately preceding that inquiry at Liverpool, when, reading in some of the newspapers, I saw a statement that astonished me very much. I then considered it my duty as a Commissioner; in fact, it was on the very morning of our monthly meeting I read it in the newspaper, and I took the newspaper to the Commissioners' meeting and read what was there stated, that we were paying such an enormous amount into the revenues of the borough of Liverpool. There was a Committee then appointed to co-operate with any town that thought proper to make a representation before the Commissioners, and I was appointed by the Committee to appear on behalf of the people of Rochdale before that inquiry.

2567. You

2567. You speak of the injustice of this tax; in what respect do you consider it unjust?—Because it is a tax that goes simply into the pockets of the people of Liverpool, for which they return no equivalent.

2568. What is the population of Rochdale and its vicinity?—The borough is 30,000; within what we may term Rochdale proper is about 42,000; the inhabitants within a mile of Rochdale.

2569. What is the business that is carried on there?—The woollen and cotton trades mainly; iron trades, and other contingent trades, such as joiners and builders.

2570. You make machinery, do not you?—There is machine-making extensively carried on there.

2571. About what number of hands are there employed?—I have calculated that 15,000 would be the number of people employed in that circuit where the 42,000 population reside.

2572. Rochdale and the neighbouring district?—Yes; I ought to mention that Rochdale is a circumscribed borough; there are very few in England like it; it is a circle of three-quarters of a mile from the centre, a considerable portion of the inhabitants reside on the outside of our borough.

2573. In what trade are your manufacturers principally?—Cotton mainly, and woollen next. I should say they are almost equal. I presume we manufacture nine-tenths of the flannels manufactured in England in Rochdale, and there are machine-making, engineering, and other contingent trades that are necessary in a manufacturing district; but the cotton and woollen are the two staples.

2574. Is it principally for import or export that you manufacture?—Mainly export. Rochdale is more so than the neighbouring towns; we are a throstle-spinning district, so far as cotton is concerned; we are not a weaving district; a great portion of our cotton twist is exported, and a great portion of our woollen goods.

2575. Have the Commissioners of Rochdale taken any trouble to ascertain the imports of the district?—They have taken considerable trouble.

2576. Have they succeeded?—Yes, and we find that at least the town dues on the imports into Rochdale and its immediate vicinity will be 2,500 *l.*

2577. Mr. *Horsfall.*] The value?—The tax that is levied.

2578. *Chairman.*] For town dues?—Yes; that goes into the pockets of the people of Liverpool for town dues.

2579. You are not speaking both of town dues and dock dues?—No; town dues only.

2580. Mr. *Horsfall.*] Paid by whom?—By the importer; by the purchasers of the goods, because an increased value is given to the goods in proportion to any tax that is laid upon them.

2581. Does 2 *d.* a bale increase the price of cotton?—Yes. We also pay 350 *l.* a year for the corn that comes into our town; that is, paid by the corn-millers, of which we have got a schedule here.

2582. *Chairman.*] Can you state any details which you think it would be important for the Committee to know?—Within the borough of Rochdale the number of bales of cotton consumed is 81,482, upon which a tax is levied of 675 *l.* 13 *s.* 8 *d.*

2583. What do you call the part outside the borough?—The immediate vicinity within a mile. The next item is corn in bushels, 481,270, upon which a tax of 320 *l.* 16 *s.* is levied; that is, within the borough only. Oil in butts and pipes 3,288; the tax is 320 *l.* 16 *s.* Timber, 102 *l.* 5 *s.*; the next is soap, 45 *l.*; spirits and wine, 10 *l.* The various items within the borough make up 1,762 *l.*, and that does not include two or three mills that we could not get the returns from. In the immediate vicinity, outside the borough, there is 400 *l.* levied in the same way, and there are a few mills from which we could not get the amount, but the payments will come to 2,500 *l.* at the very least.

2584. You think that a moderate estimate?—Yes; there are many small tradesmen, such as tinplate workers, brass-moulders, and others, who get a great deal of copper, tin, lead, and other materials; we did not think it necessary to go round to all those persons to collect this information; that is on the imports alone.

2585. What is your estimate of the total tax on cotton?—The estimate on cotton alone is 1,000 *l.* in and out of the borough of Rochdale; immediately around, there is 295 *l.* 19 *s.* paid on 31,514 bales; that, and the three or four mills we could not ascertain, will make it up more than 1,000 *l.*

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2586. Can you mention what is paid by any one firm?—I have Messrs. Bright's firm here; they are not the largest, but the second largest. Besides being extensive carpet manufacturers, they consume 8,840 bales and 20 butts of oil.

2587. What does that come to?—I have not carried it out. I have the firm of Samuel Radcliffe & Sons, and they consume 13,000 bales of cotton, upon which is levied a tax of 2 *d.* a bale, 110 *l.* A portion of the property of that firm is within the borough, and a portion just immediately outside, and the gross assessment of this firm is 1,800 *l.*, and their local rates for this property will amount to 140 *l.* per annum; therefore, on cotton alone they pay in town dues to Liverpool an amount which is nearly equivalent to what they pay for local taxes in Rochdale.

2588. On the raw material?—Yes. They have recently built a very extensive mill, upon which they must have paid a very large amount in the shape of dues upon the slate, the iron to make the machinery, and other materials required in a manufactory of that description. I have no hesitation in saying, taking the average of years, that this firm pays as much in town dues to Liverpool as the whole of the local taxes upon their property comes to. They likewise have a larger establishment in Oldham than they have in Rochdale; but not knowing the amount of local taxes in Oldham, I have not been at the trouble to go into that part of the business, and I have confined myself simply to Rochdale.

2589. What is the town dues upon a butt of oil?—I have not the tables with me.

2590. Have you anything more to state about imports?—No, not at present.

2591. What have you to state as regards exports?—In Rochdale, it is an impossibility to ascertain the export accurately. We sell our cotton goods in Manchester mainly; perhaps nine-tenths of our woollen goods are purchased in our local market by Manchester merchants and Liverpool merchants; some from London, but mainly Manchester and Liverpool, and they become the exporters of them; therefore we have no means of ascertaining from our own local people what the exports are. One thing that will tell much in favour of goods exported from Rochdale is this, that the principal portion of our woollen goods are made from English grown wool that is not imported into Liverpool, but is purchased in various local markets, the wool grown in England and Scotland, from which we manufacture very many heavy goods, a very considerable portion of which is exported to Canada, the United States, Australia, and other parts. Although those wools have not paid import duties upon coming into Liverpool, they pay export duties upon going out; and I come to the conclusion, and I think I am within reason, that the exports will amount to fully two-thirds of the imports which enter and are used in the borough of Rochdale. I have shown that 2,500 *l.* are paid for imports, and two-thirds of that will make the sum of 4,100, which we at Rochdale pay into the pockets of the people of Liverpool.

2592. Mr. *Horsfall.*] You did not state what you are?—A cotton-spinner.

2593. Have you entered into any calculation of what you pay on your own account?—Yes; I am but a small spinner; I pay about 11 *l.* a year on my cotton; I consume 1,200 to 1,300 bales of cotton a year; I pay about 12 *l.* for dues, and my local rates amount to 12 *l.*, or 12 *l.* 10 *s.* on the average of the last five years; therefore my own individual case carries out the case of Messrs. Radcliffe, one of the largest, mine being one of the small ones. My payment amounts to fully my local rates, because on oil I have to pay town dues, and I pay direct on cotton about 11 *l.* a year.

2594. When you speak of your rates being 12 *l.* 10 *s.*, does that include your house?—The mill alone; that includes both poor and highway rates.

2595. *Chairman.*] What is the total net assessment of the borough of Rochdale?—The total net assessment of the borough of Rochdale is 92,000 *l.*, and the rate levied in the year has averaged latterly 1 *s.* 6 *d.* in the pound; we pay for local rates within the borough 6,900 *l.*, which is exclusive of poor rates; so that the Liverpool town dues levied in Rochdale and its immediate neighbourhood are two-thirds fully equal to the local borough rates of Rochdale, though in taking 42,000 population, I go a little outside of Rochdale. We consider it is a very great injustice to pay our own share of the taxes at home, and then have to pay a share of the taxes of the people of Liverpool. We understand the people of Liverpool levy no borough rate at all; they get lighted, cleansed, watched, and all things cared for at the expense of the manufacturers of the neighbouring districts.

2596. Mr. *Horsfall.*] I presume, if that is proved not to be so, you would think

think you have been misinformed?—It cannot be proved not to be so; it has been proved to be so; it was at the inquiry; they durst not set up anything of the kind.

2597. You did not ask the town clerk of Liverpool, did you?—The town clerk was there to represent the people of Liverpool during the whole of the inquiry; if he had had a good case, I think he would have tried to make it out; but he had not a good case.

2598. Then do you think he did make a good case?—No; he could not make a good case out of a bad one.

2599. *Chairman.*] Do you remember what he did say?—No; he did make statements, and was supported by others; there was Mr. Turner, once the Member for Liverpool, either he or his brother; I do not know the gentleman, and I saw several about him, apparently very busy, all the day, and he made out, I presume, as good a case as he could; not having very good materials, it was not a very easy job for him.

2600. Did he prove that a tax ought to be levied upon one part of the community for the benefit of another?—No; that is what we consider the great injustice of the tax.

2601. Do you consider that you get any equivalent for the payment of Liverpool town dues?—None at all; they are not expended in keeping the river in repair.

2602. I suppose if this money were spent for purposes of this kind, and for facilitating the transit of your goods, you would not object to it?—Not at all; it is necessary in a manufacturing district to have a good port near to, and if it were expended in keeping the river navigable, and things of that sort, I should not object. I do not know upon whom the conservancy of the Mersey devolves; but three weeks yesterday I was down in Liverpool, and I saw on the Cheshire side that the river was making great inroads upon that side; the walls were tumbling, and several of the houses untenanted, notices to let were in several of the windows. I entered into conversation with the persons on the steamer, and just as we got to Seacombe, one gentleman said a brother of his had lived in one of those houses, and he had been afraid it would be washed in; the walls are in a crumbling state. It was near high-water time when we were there, and it appeared to me, not being a nautical man, that if somebody did not look after it, some danger would occur to the property. Whether it will injure the river or not I am not sufficient of an engineer to know; I presume it will if it is not looked after; I thought, if they did exact such large sums from us, they might let some porton go to keep the river wall in repair.

2603. What becomes of the soil that is washed away?—It washes into the river; it appears to me to be that sort of soil which is very injurious, half clay and sand; not the ordinary sand of which the sand banks below Liverpool are formed towards the floating light. I should presume that soil of that sort would be very injurious if it got into the middle of the river.

2604. It forms a very hard substance, does not it?—I have no doubt it will do so.

2605. Do you object to this tax on the ground of the persons who impose it?—Not on the ground of the persons; we have nothing to do with the individuals; we object because we get nothing in return. We do not object to pay our general taxes to the country; we do not object to pay highway rates and poor-rates; we pay them cheerfully, because we get something in return.

2606. In those things you are represented?—In those things we are represented.

2607. Do you consider yourself represented in Liverpool rates?—No, there would not be the expenditure of the money there is if we were represented. Parliament has long since laid down the principle that taxation and representation shall go hand-in-hand together; that is a component part of our constitution, and the House of Commons takes good care to allow neither the Queen nor the House of Lords to interfere in money matters. It is the representatives of the people who deal with taxation; and we think, as payers of Liverpool dues, that we ought to have a voice in their administration.

2608. Mr. *Horsfall.*] Have you an agent in Liverpool?—I have not.

2609. *Chairman.*] Do you know anything about the way in which this right was acquired?—No, they stated that it had come in some way from Charles the First, but I thought they did not make out a good title, and I thought they referred to a very unfortunate reign when they had to go to the reign of Charles the First.

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It would have been a very good job for this country if he had never reigned at all. If I understand the history of our country, there were more charters granted in the reign of the Stuarts, that have required to be abrogated, than in all the rest of the reigns put together. I mean grants of monopolies, which are injurious to the country. They ought to go to a better reign than the reign of Charles the Frst before they make us pay. I contend that a monarch could never grant such a monstrous charge as this. They generally took care to require some service to be given for any tax that they granted.

2610. Mr. *Horsfall.*] You have stated that the amount paid in Rochdale on imports was 2,500 *l.*?—Yes, in Rochdale and its immediate neighbourhood.

2611. Can you inform the Committee how much of the cotton and other articles on which those dues were paid was imported on Rochdale account?—I am not prepared to state. There are some of our spinners and manufacturers who are very large importers. Besides importing for their own use they import large quantities for sale in Liverpool.

2612. Speaking of the article which you manufacture, upon which the town due has been paid, I presume you are man of business enough to know that you get that town due from the consumer?—Yes, we have to charge so much more for the article, and that is an injury to trade.

2613. When you speak of the town dues being a great grievance to the people at Rochdale, I presume you mean that they are a grievance to the consumers in the country?—Yes; on the portion which to be exported abroad, we having to meet foreign competition, the more imposed in taxes so much more injury to the producer in England, and affects his interest. It is stated that some of the foreign countries are competing very closely with us, and it is the duty of Parliament to remove all these kinds of restrictions from our shoulders, and leave us to fair competition; it is not a fair race, when the Liverpool people come and put a weight on our backs, in competition with the Germans and Americans.

2614. I understood you to say, that although this weight was upon your back before the Local Dues Commission held its enquiry at Liverpool, you did not feel its oppressiveness till then?—We were in ignorance that it was imposed, but that does not make it more just when we do find it out; I was only vexed that somebody had not discovered it sooner in Rochdale.

2615. *Chairman.*] What do you say to these town dues being a vested interest in the Corporation of Liverpool?—When I was at Liverpool before the Shipping Dues Commissioners, I attempted to show a parallel case in Rochdale, that we were doubly taxed, and we were prevented from taxing any body in return. There are situated in the district at the north end of our town, large quarries of stone, from which flags and square sets, used for paving the streets of various towns, are obtained; we have brought over the streets of Rochdale fully 40,000 tons, including some coal that comes over as well, that is got in the district, and we have no power to levy taxes on that which is brought over our streets in Rochdale; we are not allowed to have a toll at all, nor a town due upon it. The stone and flags go through our town a couple of miles to the railway or the canal, and are sent to Liverpool for the benefit of their streets; some even goes for exportation, upon which they levy the town dues, and we ourselves cannot levy a single farthing upon it; we have no power of imposing local taxation.

2616. You have to repair the roads, I presume, out of your local taxes?—Out of 6,900 *l.* on an assessment of 92,000 *l.* we have to repair our roads; and it is the flags, set stones, and other heavy material, that by shaking in the carts, makes our streets worse by far than the ordinary traffic would make them.

2617. Mr. *Horsfall.*] Did you state that you felt it a great hardship at Rochdale, that you have not the power of levying a rate upon the stones that are carried through the town?—No.

2618. I thought you complained that it was a great hardship, and that you had not the power of levying any rate upon those goods?—No; I said we should have the power if Liverpool has, but if we had the power it would be no benefit to us, because the more our trade is extended the better for the whole of us. I believe Liverpool would expand its commerce at a more rapid rate than it does at present if it had not the power; they themselves must know that it is a great injustice upon us.

2619. *Chairman.*] Where does this stone come from?—Within three or for miles of Rochdale, on the north side; we are in a hilly district; it is got in our

stone

stone delphs: it comes from one end of the borough, and is conveyed nearly to the extremity of the other.

2620. What I understand you to say is, that you consider it a hardship that you should be obliged to tax yourselves for the carriage of this stone when Liverpool receives the tax from you?—I only mentioned it as a matter of analogy; we do not wish to tax it.

2621. You have to tax yourselves to make the roads it passes over?—Yes; the Liverpool Corporation, before the Shipping Dues Commissioners, attempted to show that our traffic used their streets, but they were compelled to admit that Liverpool would not look very well if all its streets were grown over with grass; it would not be of much benefit to them then.

2622. Do you remember whether, before the Shipping Dues Commissioners, the Corporation of Liverpool admitted that they were under any obligation to do anything for these dues?—They said it was theirs, to do what they pleased with it, and they contended we had no right to meddle in the matter at all. I should say that every week 396 carts pass over our streets; we have ascertained that from investigation.

2623. With the stone in them?—Yes; 40,000 tons we estimate as the quantity, and there are 396 carts every week that pass over our streets. I understand, in reference to that question, that Parliament has established this principle. In the Rochdale case, in 1844, when we came for the Improvement Act, they compelled us to remove our toll-bar; they compelled the trustees of all toll-bars to remove them outside of the borough, therefore removing all liability from their shoulders by throwing the repair of our streets upon ourselves, and we considered it was fair: the less trade and commerce is interfered with the better for it, and all of us.

2624. You think it should pay its own burthen?—Decidedly so.

2625. What amount of stone do you send to Liverpool?—I have not been able to ascertain the amount sent to Liverpool itself; it will not be very large to Liverpool, but some goes.

2626. Do you consider that you pay sufficient for the accommodation which you receive at Liverpool already?—Yes, in the shape of dock dues; we pay every demand made upon us, and I presume we pay our full quota, and sufficient, or they would impose larger burthens on us.

2627. You say you consider it would be a benefit to Liverpool itself to remit these dues?—Ultimately, I am confident, it would.

2628. Can you illustrate that position?—I may illustrate it in this way: building land in Liverpool is worth 50 times what it is worth in a village; the more the trade of a town increases the more its property increases in value; if they had to be taxed locally for those things which they now get from the town dues, they would get an equivalent in the extension of trade, and in the improvement of their property; therefore they would be so much better able to pay the extra local charges upon them.

2629. Have you considered the case of turnpike gates near towns?—The case that I mentioned with regard to Rochdale, in which Parliament insisted upon the toll-bar being removed outside the town. I presume that must be something like a Standing Order, and that Parliament insists in those cases on the toll-bars going outside. We thought it was right and proper that all the roads within our borough should be repaired by ourselves, and that we should remove such a restriction outside our borough.

2630. Mr. *Bouverie.*] Have you seen any reason to regret the removal of the toll-bar since it was done?—No; because now the streets are under one control, and are better and more economically repaired. There were about five different trusts came into our borough, and their interests were always clashing. We have derived a benefit from the change, and it has cost us less money than we contemplated it would at the time it was imposed upon us.

2631. *Chairman.*] Do you consider that the River Mersey is the property of the Corporation of Liverpool?—Decidedly not; it is a national river; our river that goes through Rochdale helps to feed the Mersey, so that there is a portion of it ours. We contend that any money that is raised by Liverpool, either in the shape of dock dues or town dues, ought to be under the control of other people besides the people of Liverpool. Liverpool owes its importance not to itself, but to being surrounded by the industrious population of the towns within 40 or 50 miles, all of whom, in the shape of dock or town dues, contribute a portion

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towards the maintenance of the river. I understood from what was stated in Liverpool before the Shipping Dues Commissioners, that they are in the habit of buying land from themselves out of those two different funds. I think it is wrong that they should be both buyers and sellers; there should be somebody else to watch it. On the same principle that Parliament deals with powers of taxation, it should see that the "money-finders" have a share in the representation and management of that property at Liverpool.

2632. Have you formed any scheme in your own mind as to what hands you would place the management of this property in?—I have not studied it so far as that; I presume it is more the duty of Parliament to propound a scheme, and then we could say whether it would work well or not.

2633. Do you think those who pay dock rates would be a good constituency to form a body for that purpose?—If our town dues are 4,000 *l.*, and if we take a bale of cotton for a criterion, the docks dues are three times the amount; that is a settled matter; I have not gone so minutely into that as to say what it is, but we pay upwards of 12,000 *l.* a year towards those two charges. Manchester will pay 10 times our amount, and some scheme should be devised that would admit of representation.

2634. You think those who pay ought to be represented?—Yes; this question mainly affects the towns within 50 miles of Liverpool, but people all over England and Scotland, and some parts of Ireland, are interested in the question, and the Government itself should take care to have some representation in the matter; the Board of Trade, or some other branch of the Government.

2635. Do you think that the body so constituted should have the conservancy of the Mersey in its hands as well as the dock dues?—Yes, the present state of the Mersey is such as shows it is not being attended to; what I mentioned I saw so recently as three weeks ago shows that they want all the money on their own side, and they will not let the Cheshire people have any of it; they exact town dues at Birkenhead just as they do at Liverpool, but they do not maintain the banks of that side of the river in a proper state.

2636. Do you think that the same body should have the town dues?—I do not care what name they are called by, whether they are called dock dues or town dues, if they are all applied for the purpose of the river, and for port purposes.

2637. You say that such a body should be appointed by the dock ratepayers principally, and, as I understand you, it should have the control of the dock dues, the town dues, and the conservancy of the Mersey?—Decidedly. One thing that astonished us completely in that inquiry was this: in Rochdale we have been very noted for fighting upon the church-rates question; they even have built seven churches, kept seven parsons, paid for ringing, and singing, and everything; we have spent thousands of pounds in Rochdale in fighting that question, and we found we were paying church rates in Liverpool. We thought we had settled the question for ever; we had no objection to how many churches they built, and how long they sang, if they paid for it themselves.

2638. Mr. *Horsfall.*] You say that the "money-finders" ought to have a share in the representation; did not you agree with me that it was the consumer only who paid this rate?—No, we pay it upon the imports in the enhanced value of the articles, and then we are compelled to charge the consumers more for our goods, and therefore it injures our trade.

2639. The consumer ultimately pays?—The consumer ultimately pays.

2640. I presume you would make these town dues a national question, in which the whole country should be represented and have votes?—As I said before, the whole country is interested in this question, and it would be the duty of the Government to take care and see that the interests of the community generally should be watched over.

2641. You say that all the "money-finders" should be represented, consequently you would have the whole country represented in the management of the town dues?—I thought I was explicit in saying that the towns for 40 or 50 miles round Liverpool were deeply interested in this question, and that I would have some direct representation for them; but when it got beyond that limit, I would leave it to the Government.

2642. What department of the Government?—I stated the Board of Trade was the most likely.

2643. Do you know anything of the Board of Trade?—No; I know the constitution

stitution of anything can be altered in this country; we are not under the laws of the Medes and Persians; Parliament can alter anything.

2644. When you speak of the Board of Trade, are you aware that it is at present presided over by a peer, and that the Vice-President is a barrister; do not you think that commercial men could constitute a better Board of Trade than exists at present for managing commercial matters?—I consider it should be on the spot; the business cannot be well done in London; the Board of Trade should have its representatives at the place where the business is done.

2645. Would you suggest that the Board of Trade should have local representatives?—I will not go to that extent; I will leave Parliament to settle whether the Board shall send down some of their own servants, or whether they will depute it to somebody in the locality, because I saw in the Liverpool papers the other day that some local Board was kicking against the Board of Trade, and if they got into that state the thing would come to a dead lock. Under those circumstances the Board of Trade would have to send somebody direct.

2646. You are not an advocate for centralisation, are you?—I would have as little centralisation as possible. There are some things in which you cannot avoid it.

2647. *Chairman.*] Has not the Board of Trade been as good a friend to Rochdale as the Corporation of Liverpool?—I would rather trust to them, because they would not have the direct interest which the Liverpool Corporation has.

2648. Although you think there are disadvantages in centralisation, are not you aware that there are disadvantages resulting from the thing being too local?—Perhaps a little of both is better.

2649. Is it not the case that this matter is managed by the Corporation of Liverpool in a local spirit instead of a national spirit?—Exactly. They pocket the money and give us nothing back.

2650. Do not they look rather to the benefit of the ratepayers, their constituents, than to the interests of the manufacturing districts?—Yes.

2651. Mr. *Horsfall.*] I think you told the Committee just now, when you made your complaints, that the Liverpool Corporation said they thought you had no right to meddle in the matter?—Yes; they took high ground; they said it was theirs to do what they pleased with.

2652. Supposing the Corporation of Liverpool proved that they have just as much a legal title to this property as you have to yours, I presume you would then think that you had no right to meddle with it?—I cannot suppose anything of the kind.

2653. Supposing they do prove that they have a legal title to this property, would you be an advocate for meddling with it then?—Decidedly; it is a national injustice; it is taxing the energies of the working men of this country beyond what they ought to be taxed. Every labouring man has to pay a portion of that by his labour; which a monarch, 200 years ago, had no right to grant.

2654. If the Government thought proper to take away a portion of your property, would you not expect to be paid for anything to which you had a legal title?—Decidedly.

2655. Supposing the Liverpool Corporation had a legal title to this property, and the Government chose to take it away, would not you, as an honest man, consider that they had a right to compensation?—If it belonged to them, and they had to do something for it, then it would be fair and proper; but it is impossible that they have a good right to it.

2656. You have many things for which you do nothing and to which you claim a right; supposing that to be possible which you think is impossible, and the Government thought it right to take away for the good of the country this title in the Corporation of Liverpool, do you, or do you not consider that they should have compensation?—I contend, as I said before the Shipping Dues Commissioners in Liverpool, that they never could have a right to such a charge as this without performing something for it.

2657. Supposing that they have the same just and legal title to the town dues that we have to our property, would you think it right that they should be taken away without compensation?—If they, like myself, have property that is their own, that property, like all property, has its duties as well as its rights. If the duties be performed, those rights should be respected.

2658. Mr. *M. Gibson.*] Supposing Parliament were to require that the Liver-

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pool Corporation should desist from taxing Rochdale for the local expenses of Liverpool, would the Corporation of Liverpool, in your opinion, be entitled to compensation?—Decidedly not. It is not because it is Liverpool, that I say so. If it was Manchester, we should act the same towards it. It is not a question of a town or locality; it is a question of injustice.

2659. I suppose, if you were to come to Parliament for a Bill to enable the Rochdale Improvement Commissioners to send their account into the Corporation of Liverpool every year for the local expenses of Rochdale, you would be thought to be making a very strange out-of-the-way proposition?—I think they would soon send us back again, and very properly so too.

2660. Mr. *Horsfall.*] Are you not a farmer as well as a manufacturer?—I have a little land connected with my mill, where I keep two or three cows and a pony.

2661. Do you send any of your produce for sale to Manchester?—No; I only grow grass.

2662. Supposing you did, and the Manchester people levied a tax upon your produce upon its arrival in Manchester, for which you got no consideration, would you not consider that unjust?—Yes; but they provide a market; I pay market tolls if I send anything into the market at Rochdale.

2663. There you get accommodation; but supposing you send your produce into Manchester, and that produce is sold at the railway station without going near any market, and the Manchester Corporation levied a due upon that, would not you consider it unjust on the ground that you get no consideration?—I am not a farmer to any extent; I have only four acres, and it is a question which has never engaged my attention at all.

2664. Mr. *Hardy.*] Supposing Lord Sefton had bought this "monstrous" right, as you call it, of the Crown, and was now exercising that right of taxing you at Rochdale, or anybody else, should you think it right to take it from him without paying for it?—Yes, or anything unjust in itself.

2665. Any property, however acquired, that was unjustly used, you would take from anybody?—I cannot imagine that any man would claim such a right without performing some duties; it is simply a tax levied for the benefit of people in a certain locality, for which they are under no obligation.

2666. Supposing a man has a ferry, which costs him 100*l.* a year to maintain, and he gets from it 1,000*l.*, if he spends 900*l.* in the greatest possible dissipation, do you think you would have a right to take it away from him?—No.

2667. How do you distinguish between the application of money by a private individual, and the application which a corporation makes under an Act of Parliament by which it exists?—I cannot imagine that anybody can have a right at all to tax their fellow-countrymen.

2668. Will you describe to me what is the distinction in your mind between a tax and a toll?—A toll is levied on a turnpike-road, by which the road is kept in repair.

2669. Supposing you had a toll over a ferry, what representation have the payers of the toll, what power have they of being represented, either with respect to the use of the money levied, or in any other way?—I have crossed the Mersey at Liverpool and at Warrington, and I found something to take me over; therefore I got something for my money.

2670. Are you represented with respect to the use of the money that has been paid for that ferry?—The Liverpool Corporation give nothing in return for the town dues, they exact the money, and they do nothing for it; they told us at Liverpool that they were under no obligation to do anything for it.

2671. Supposing the Liverpool Corporation had purchased this right yesterday, would you take it away from them without compensation?—The thing is monstrous; there is not such a thing known. If they profess to say that the King ever had a right to give it, the Queen of this day would never attempt to impose such a monstrous thing upon the community as this; it is not to be tolerated for an instant; the Queen respects the rights of her subjects a great deal too much to attempt anything of the sort.

2672. Mr. *Vance.*] Do you think it would be of very great importance to the town of Rochdale if these local dues were done away with?—Decidedly, because they amount to two-thirds of our local taxation, which we pay to get the streets lighted, flagged, sewered, and scavengered, and other local improvements, from which we all derive a benefit; but here we pay two-thirds of the same amount to enable the Liverpool people to get all those done for nothing.

2673. Is

2673. Is not the flannel trade carried on largely at Rochdale?—Very largely.

2674. How much is paid on a bale of flannel passing through Liverpool on going abroad?—I am not aware; our flannels are sold to merchants, some in the raw state and some are sold to the Manchester and other merchants. We have no means of ascertaining the quantity sent abroad, therefore, I have not given myself the trouble to investigate that question.

2675. If you heard that the Liverpool town due was only 2 *d.* on each bale of flannel, would you consider it of importance to the flannel manufacturer that that due should be abolished?—Yes; everything is of importance. The last straw breaks the camel's back, and putting on a little more from time to time, will, sometime or other, break the thing down.

2676. You complain that the entire amount of the local dues is not spent in the port of Liverpool, and that a certain portion of them are spent upon the town?—The whole of them; there is none spent on the port. I never heard it stated by Liverpool people that a single shilling is spent on the port; if it were spent on the port we would not object. If it were spent in providing dock accommodation and providing for our exports and imports, we should not be here at all.

2677. Would you be very much surprised to hear that Parliament, within the last 30 years, has sanctioned the principle of the surplus of the town dues being spent upon the town?—I am not aware that Parliament has done so.

2678. You never heard that by the Municipal Corporation Act such a principle was sanctioned?—I am not conversant with that part of the subject.

2679. Mr. *Horsfall.*] Did not you say before the Shipping Dues Commissioners that the Liverpool town due was a remnant of feudalism and barbarism?—It is two years since the meeting was held, and I cannot recollect.

2680. *Chairman.*] If the Municipal Corporation Act has enacted that these dues shall not be employed for any other purpose than the benefit of the inhabitants of Liverpool, do you consider that that would be a reason for letting the matter alone?—No, decidedly not.

2681. What would it be a reason for doing?—We should come again to Parliament, and say, that we considered it was a very great injustice; we should come to Parliament, knock at the door again, and say we must have a fresh change.

2682. Supposing that we got so far as to decide that compensation was to be paid for these dues, who would have to pay it?—I think the Liverpool people ought to pay it themselves, because if stern justice were dealt out to them, I look at it, if I may use the expression, as stolen property; and whenever you find stolen property, you take it back again. I think they ought to disgorge, rather than call for compensation, a great deal they have already accumulated; if they choose to build St. George's Hall, and to build churches, widen streets, and beautify their town, we think they ought to pay for it themselves.

2683. Mr. *Beamish.*] Even if they levied the dues under an Act of Parliament?—Yes; I contend that every locality ought to pay its local expenses.

2684. Do you mean to say that they should disgorge, even though they levied these dues under the powers of an Act of Parliament?—Yes; if there is anything unjust in an Act of Parliament, another Act could be passed to repeal the former one.

2685. Do you think if any Act of Parliament is unjust, that it ought to be repealed?—Yes; if I did not think it was unjust, I should not be at the trouble of coming to London about it.

2686. Has your trade suffered from the operation of the Liverpool town dues?—We cannot tell directly, but we know, as a principle of trade, that anything that enhances the cost of our materials is injurious to us as traders.

2687. You have not found your trade suffer?—We cannot trace it to that source.

2688. Until the inquiry before the Shipping Dues Commissioners, had you ever thought anything about it?—I do not know whether any person in Rochdale had; I have taken a pretty active part in public matters the last dozen years, but it took me by surprise; until the last two years, I believe nobody in Rochdale knew anything about it.

2689. I think you said that the people of Liverpool, if they knew their own interests, would be benefited by getting rid of this tax?—I believe they would ultimately;

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ultimately; it would so far improve the trade of the port, although they might lose at the commencement, they would ultimately get an equivalent in the increased value of their property, and an increased extent of trade.

2690. Do you think if an owner in Liverpool had ground to let for building purposes, which was exempt from local dues by charging the shipping, that it would improve its value to tax the houses?—It is an improvement that would not be immediately felt, but as I said before, land has sold at a very high price at Liverpool; only the other day, I heard of a purchase in Dale-street, at a most enormous rate. I instanced in the commencement of my evidence, that building land in Liverpool is worth 50 times as much as it is in a village. In 20 years by the removal of the dues, owing to the increased trade, that land might be worth 100 *l.*, and they would get the benefit in that way.

2691. If property pays only 1 *s.* in the pound local rates, and it has to pay 5 *s.* in the pound by reason of the dues being taken away, do you think that would increase its value?—Not immediately, it would take some time to work round; Parliament itself settled, in the repeal of the Corn Laws, the question of compensation. If the people of Liverpool had any claim for compensation so the landowners of this country had a claim; but Parliament repudiated the claim.

2692. Mr. *Horsfall.*] You must be aware that the landowners put forward no claim under a legal title to protection upon their produce?—They had the very best of all titles, namely, the Act of Parliament passed at the conclusion of the peace.

2693. Are you not aware that the Liverpool Corporation do not found their claim upon an Act of Parliament?—I do not know what they found it upon; they are always shifting from one thing to another; it is doubtful to me whether they know their title themselves.

2694. *Chairman.*] You are aware that there was a corporation at Liverpool before the present corporation?—Yes.

2695. How did the property of the old corporation get into the hands of the new corporation?—I presume the Municipal Corporation Act, in conferring powers upon the new body, would convey all the property from the old corporation to the new one.

2696. Did not the new corporation get their property by Act of Parliament?—Decidedly. I may also say that it is a great benefit to the freemen of Liverpool; those gentlemen may well fight for it, as I understand some of them get 1,000 *l.* a year into their own pockets by being freemen; they do not pay town dues themselves.

2697. Mr. *Horsfall.*] Supposing there is an amount of property held by the Commissioners in Rochdale for the benefit of the inhabitants, and an Act of Parliament is passed altering the trust from one set of Commissioners to another, would you say that the title to that property originated with that Act of Parliament which altered the trust?—In the last Session but one we were in Parliament, and we wanted to get an alteration of the Act; I rather think a Member of this Committee was the Chairman of Committees at that time, but he sent us back, and made us have a new Act altogether; we wanted to amend the old Act; the new Act confers all the powers, privileges, and liabilities upon us that exist in that Act; I presume the Municipal Corporation Act would follow the same course.

2698. *Chairman.*] The new Commissioners in Rochdale got their property by Act of Parliament?—Yes, we got the property under the powers of the Act.

2699. The Act transferred to you the same property that belonged to the former Commissioners?—Yes; together with the gas works and other property which were transferred to us.

2700. The title of the former Commissioners, whatever it was, was only useful as showing what property passed under the Act; you do not get it by their title, but the Act, fixed upon the property, gave it to you?—Yes.

2701. Mr. *Beamish.*] The Act merely transferred what property there was?—It transferred both the property and the liability.

2702. Mr. *Horsfall.*] From one set of men to another?—Yes.

2703. *Chairman.*] The proof of what they had only showed what you took?—Yes.

2704. Mr *Moffatt.*] Are you aware how many freemen of Liverpool have a direct interest in the benefit of the town-dues?—I think it is somewhere upwards of 600.

2705. Merchants of Liverpool who have a direct benefit in the remission of these dues which other merchants have not?—Yes.

2706. Are

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2706. Are you acquainted with any of the freemen who have that privilege?—Not individually; I know their names, and from seeing their names as public men, I know that they are large tradespeople. I think the Honourable Member for Liverpool is one of that class.

2707. Are there a large number of merchants carrying on business in Liverpool who are freemen, and deriving an advantage from the remission of these tolls?—Yes, I am aware that there are a large number of them.

2708. The Honourable Member for Liverpool, you believe, is one of those freemen?—Yes; from what I saw in the statement, with reference to these freemen, I understand that some of them get as much as 1,000 *l.* a year clear benefit on their imports and exports, and I am informed that the Honourable Member for Liverpool is one of them; and it was shown, at Liverpool again, in this way. If a warehouse was being built up at Warrington, we will say, on which 10,000 *l.* might be expended, a freeman of Liverpool would compete for the contract as a builder for the erection of that warehouse, and a non-freeman would compete; but inasmuch as every bit of material which was subject to town dues would go free to the place, if the freeman got the contract, it would enable the freeman to throw the non-freeman out of the market, and deprive him of his livelihood by the operation of that privilege. That was the statement made at Liverpool before the Shipping Dues Commissioners, and it was uncontradicted.

2709. Mr. *Vance.*] Have you any doubt as to the right and title to these privileges?—I have great doubts as to the right and title to these privileges; I am not a lawyer, and I do not profess to be one; but from what took place at Liverpool on the inquiry, it appeared to me that when the question might have been tested on one occasion, by going into the House of Lords, a compromise took place by the Liverpool people rather than go on, and the parties did not think it worth while to go on further.

2710. My question was with regard to the right and title of freemen to exemption from town dues?—As freemen in most boroughs have some peculiar right, they may have this right. I do not dispute the right, I only speak of the injustice of its operation.

2711. Mr. *Horsfall.*] Are there any freemen in Rochdale?—No; it only became a borough under the Reform Act.

Frank Crossley, Esq., a Member of The House, Examined.

F. Crossley, Esq., M. P.

2712. *Chairman.*] YOU are Member for Halifax?—I am.

2713. You carry on business in that town?—Yes; as a carpet manufacturer.

2714. What number of men do you employ?—We employ about 1,200 men; about 3,000 hands, including women and children.

2715. What is the population of Halifax?—It was at the last census about 34,000; but I think it will not be far from 40,000 now.

2716. Are you deputed to give evidence before this Committee?—I have been asked to give evidence of a general character: we are in the same district as the Bradford Chamber of Commerce; we belong to the Bradford Chamber of Commerce; I am acquainted with the evidence that Mr. Salt has given to the Committee, and I appear chiefly to support it.

2717. Do you grow much corn in Halifax?—They never turn up a field for corn in Halifax, except just to get it into grass again; the whole of the land is used for grass, for milk purposes, milk and porridge being the staff of life in our district.

2718. Where do your flour and corn come from?—The largest quantities of them come through Liverpool.

2719. Are you able to say what quantity?—I cannot say the quantity; but a good deal of Indian corn is used for manufacturing purposes, that comes through Liverpool. We use about 8 packs of flour a day ourselves for that purpose.

2720. Mr. *Bouverie.*] Indian meal?—We buy the best wheaten flour, and mix it with Indian corn.

2721. *Chairman.*] That is in the carpet manufacture; what other manufactures are there in Halifax besides your own branch?—The worsted trade is carried on there largely; there is some woollen, some cotton, and some silk trade in that neighbourhood.

2722. Are there any stone quarries?—There is a very large number of men employed in stone quarries, some thousands, within a very short distance of

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Halifax, and those stones and flags are sent to various parts of the world; some go through Liverpool, and many of them come up through Hull to London, and other places.

2723. Does the raw material of any of those articles of manufacture pass through Liverpool?—The wool and the cotton and the oil come chiefly through Liverpool.

2724. It is chiefly foreign wool that you employ, is it not?—Foreign and colonial wool is employed largely; English wools also largely, and Irish wools.

2725. Which also pay duty?—Yes; they also come through Liverpool.

2726. Is the stone exported?—The stone is exported, but I think a larger portion of it goes through Hull than Liverpool.

2727. Where does it go to?—It goes to London, and various parts of the world; it is the flags chiefly that are exported for pavements.

2728. Are a large amount of groceries brought into Halifax?—More than 10,000 tons of groceries come through Liverpool into the borough of Halifax per annum.

2729. How much into the parish?—Above three times that amount.

2730. Does that pay town dues?—Yes.

2731. Do the dyeing establishments consume articles imported through Liverpool?—The dyeing establishments consume large quantities of dye woods, which entirely come through Liverpool; it is a very heavy business is the dye business.

2732. Almost all the raw material which you employ is more or less taxed, except English wool?—Yes, except English wool and English corn, almost everything has to come through ports, chiefly Liverpool.

2733. When the raw material is made up, it has to pay again, has it not?—We export largely the products of Halifax to the United States and other foreign countries. The United States is our largest customer.

2734. Carpets you export largely to America?—We export carpets largely to America.

2735. What town dues do they pay?—On every shipment I believe 4*d.* on every bale.

2736. Have you very severe competition with respect to carpets in the United States?—Yes.

2737. Can you state the amount of protection on the native manufacture?—Above 30 per cent duty, that, with the expenses, makes 55 advance as it is called, which is really about 44 per cent.; they put the expenses of freight, insurance, and commission upon the price of the goods which they charge duty upon; altogether it amounts to not less than 44 per cent. upon our goods.

2738. Part of that is made up of the 4*d.* paid as Liverpool town dues?—Yes, there is a duty charged upon that; that 4*d.* will be nearly 6*d.* in America.

2739. Mr. *Horsfall.*] What do you mean by the 4*d.* being nearly 6*d.*?—They charge the duty with the expenses upon it; it is what they call 55 advance; it is really, put into our way of reckoning, 44 per cent. upon everything that is paid; even upon the packing covers of the goods as well.

2740. *Chairman.*] What you mean to say is this, that this 4*d.* you are charged upon in America?—Just the same as if it was carpet, exactly.

2741. You pay commission on it to your agent?—The commission and duties altogether amount to 44 per cent.

2742. Not only is it a tax, but it is the mother of another tax?—Yes.

2743. And competing with an article protected by a duty of 30 per cent?—Yes.

2744. Mr. *Bouverie.*] Is that the United States tax, or the commission charged?—The United States tax is 30 per cent. They are not satisfied to charge it upon the price of the goods, but they add the expenses together before they put on the duty. They tax the gross.

2745. *Chairman.*] So that you pay 30 per cent. on every 4*d.*; that is something more than 1*d.* and a third on every 4*d.*?—Something more than that.

2746. So that it nearly comes to 6*d.*?—The 4*d.* nearly comes to 6*d.* It is 44 per cent. on 4*d.*

2747. Then the raw material has besides been taxed, has it not, in many cases?—The raw material has been taxed in coming in, because cotton enters into the foundation of these goods largely, and that has to pay.

2748. And wool in some cases?—Irish wool in some cases also.

2749. Mr.

2749. Mr. *Bouverie.*] Is it a very close race with the American manufactures, with these protective duties against you?—It is a very close race. The Americans, having their labour market scantily supplied, are apt to turn their attention to inventions. We have given them 20,000*l.* for a patent in this country to import their inventions, in order to compete with them.

2750. *Chairman.*] Is that the power-loom?—Yes.

2751. You cannot give the amount of any of those articles?—No; it was not thought necessary to get the particular amount as Mr. Salt gave it for Bradford, and they are just in the same proportion at Halifax.

2752. They are comprehended in what Mr. Salt said?—Yes, they are; just the same proportion.

2753. What proportion do the town dues bear to the price of the stone that you export?—I am not aware what the rate is for stone; but if it is anything in proportion to what it is upon goods, it will be very heavy, because stone is of very small value; it is all labour.

2754. Can you tell us what the cost of the stone is?—The cost of the stone is about 2 *s.* 2 *d.* the square yard, for the flags.

2755. Is there anything else that occurs to you to add to your statement?—It is generally felt to be a great grievance by us that we are obliged to pay these dues; they are not applied for improving the river, but for other purposes, apart from what they originally must have been intended for.

2756. Supposing those dues were applied to the purposes of trade and commerce, should you object to pay them?—No, we should have no objection to pay them, if they were laid out for our use in improving the river, and for making it navigable, and affording facilities for getting ships to and from Liverpool.

2757. Have you considered the question of the management of the dock dues and town dues, and the conservancy of the Mersey at all?—I have only considered it thus far, as being a great injustice that the money is not applied to the proper purposes.

2758. Do you think it should be in the hands of the Corporation of Liverpool?—I think if it be in the hands of the corporation it ought to be restricted in some way, so that the money shall be applied properly.

2759. Do you think those who contribute towards it ought to be represented in its management?—Yes, I do.

2760. You have not considered any details on the subject?—No.

2761. Mr. *Bouverie.*] How long have you been in business?—I have been in business on my own account about 19 years.

2762. Has there been any material diminution in that interval in the charges between Halifax and Liverpool?—There has been a reduction by railway competition.

2763. Can you give any idea what that is?—I do not know so much of the charge to Liverpool as to London; I know we used to pay 5 *s.* a cwt. to London, and we now pay 2 *s.*

2764. That is owing to the railways?—Yes; we used to be five days getting goods to London; I now frequently sign a telegraphic message in London in the afternoon, and the goods are delivered in London the next morning.

2765. *Chairman.*] I suppose what you say with regard to Halifax carpets, applies to Kidderminster?—Equally so, so far as they export them to America.

2766. Do they exportthrough Liverpool?—Yes, largely.

2767. Mr. *Bouverie.*] In consequence of the reduction of the charges to London, has your business increased in proportion?—Very much; what used to be done in London is now done in the country. Rugs, and many things of that sort, which they could not wait to get from the country, now the facilities are so great for ordering them, and getting them up, that they are made where labour is cheaper, and the facilities greater.

2768. Lord *Hotham.*] Do you complain of want of accommodation at Liverpool for your exports and imports?—I am not aware that we have to complain on that account; I only complain of the cost of doing it.

2769. Mr. *Bouverie.*] Do you ship on your own account to New York and America?—No, we do not.

2770. Mr. *Vance.*] How much do you say you pay per package on the export of your goods from Liverpool?—Fourpence I believe is paid.

2771. Will you look at the amount actually paid in this report (*handing the Report of the Shipping Dues Commission to the Witness*); do not you see that 2 *d.*

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2 *d.* is paid on each bale, and 1 *d.* on each truss that is exported, instead of 4 *d.*?—Yes, and 4 *d.* import; I have been informed that it was 4 *d.* export and 2 *d.* import, under two cwt.

2772. *Chairman.*] Are carpets in that list?—It is dry goods; I do not see carpets mentioned.

2773. Mr. *Vance.*] Do you consider it would be of very great importance to the prosperity of Halifax if these dues were removed?—I think that anything that would remove expenses would be of great importance to Halifax, because we run such a great competition with the United States.

2774. If you pay 2 *d.* a bale upon the export of each bale of goods to the United States, would the removal of that charge have an important effect upon your trade?—It would be more than 2 *d.*

2775. How much do you pay in duty, on the average, on each of your bales to New York?—I do not know what the average would be, I could give you the percentage; I cannot give the average; they vary very much; that 2 *d.* is not all; it is upon our raw material; it would be much more than 2 *d.*

2776. Cannot you give the average value of each of your bales of carpet that you export to New York?—The value would be about 30 *l.* a bale.

2777. Upon that you pay 10 *l.* at New York, in duty only?—It will be 9 *l.* actual duty, and then the other expenses besides.

2778. And you pay 2 *d.* at Liverpool upon the export?—We pay 2 *d.* at Liverpool upon the export, besides what we pay upon the raw materials.

2779. You cannot for a moment compare the hardship of the two imposts, I presume?—No; but the one we have no control over, and the other we hope to have.

2780. Mr. *Bouverie.*] You would not object to pay town dues if they were expended upon the conservancy of the river?—No; whatever is necessary for improving the river.

2781. If it was appropriated in that way you would not object?—No.

2782. Mr. *Horsfall.*] You do not wish to tell the Committee that the town due of 2 *d.* upon a bale of 30 *l.* value has any sensible effect upon the trade?—I should say that 2 *d.* is in our case rather a small proportion of the tax at Liverpool, because other commodities that come in would pay more than the 2 *d.* in the manufacture of those goods.

2783. Have you entered into any calculation as to cotton?—I could not say exactly, because the large bulk we require of material, compared with its cost, would amount to more than the 2 *d.* besides that.

2784. Twopence on what?—Twopence on the cotton. This cotton is very low-priced that is used for our purpose; it is made from the waste of the cotton, and consequently is a large bulk.

2785. Still you do not wish the Committee to understand that this charge has any serious effect upon the trade of Halifax?—I do not wish the Committee to understand that if this goes on we shall be all ruined; but I can say this, that anything that will remove in any way the amount of the cost of goods will be very seriously felt in Halifax, because they have to pay 44 per cent. upon that cost in going to the United States. We have very close competition with the United States.

2786. Mr. *Duncan.*] You do not think it is just upon Halifax, or the manufacturers there, to have to pay a portion of the local rate of Liverpool?—No, I do not think it is, unless they can show it is spent for the river purposes.

2787. If it was spent in harbour accommodation for goods going there, there would be no objection to the tax?—No.

2788. Mr. *Horsfall.*] You have not felt the tax sufficiently heavy to induce you to send goods to other ports?—We have sent to Glasgow a good deal.

2789. Mr. *Moffatt.*] You send to Liverpool, by reason of your proximity to the port of Liverpool?—Yes; we have more to pay in carriage to other ports.

2790. Have you made any calculation of the amount paid to Liverpool by the manufacturing interests of Halifax and that district?—I have not made a calculation.

2791. It would amount to a considerable sum?—Yes.

2792. And it would be very important, in the present state of keen competition, to the manufacturers that it should be abolished?—Yes.

2793. *Chairman.*]

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2793. *Chairman.*] Supposing you had a clerk, who had been in the habit of stealing 2*d.* on every 30*l.* of your manufactures for the 19 years you have been in business, do not you think he would have done you a serious injury, although you might not have felt it till you found out the gross sum?—We have been aware of this for some time, and hoped that we should get it remedied.

2794. Mr. *Duncan.*] Have you made no calculation as to the amount your firm pays for this tax?—No, we do not pay it ourselves; we sell the goods to the parties who have paid it.

2795. Have you any idea how much is paid for the amount of goods you manufacture?—No, I do not know; it must be considerable.

2796. *Chairman.*] I suppose the tax on the raw material is considerably more than the 2*d.* on the manufactured article?—Yes.

2797. It requires the advance of more capital for the manufacture when you have to invest so much in the material of which the carpet is made?—It will amount to that, the cost enters into so many things; dry goods, soap, flour, wool, and cotton; they are very bulky raw materials in our business.

2798. That cost, and the interest of it, grows until it forms the basis of calculation with the American government?—The Americans have to pay it, and it depends upon our price in America whether we can get the trade or not; we do not charge the Americans less; whatever the cost of the goods is they have to pay it. It depends upon the prices of our goods when they are imported there, and what they can get them made at, as to whether they can buy from us at all or not.

2799. Mr. *Horsfall.*] Do you import wool yourself?—Yes, we both import and buy from importers.

2800. What distance are you from Hull?—Eighty miles from Hull, and 60 miles from Liverpool.

2801. Mr. *Vance.*] Do you know how much you pay for forwarding each of those bales of carpets to the agents who ship them?—We do not pay it at all, and I am therefore not aware how much is paid.

Thomas Lloyd, Esq., called in; and further Examined.

T. Lloyd, Esq.

2802. *Chairman.*] HAVE you those returns which you were asked for the other day?—Yes.

2803. Will you state what they are?—Those are returns that I wrote to Birmingham for from our shipping agent; I asked him to send me a number of sheets, and he has sent me about 20, showing the absolute charges that we pay him for town dues and dock dues; I have merely to observe, in casting my eye over them, I perceive very generally the town dues on our goods are as much as the dock dues; in some few articles they exceed them; those sheets were taken at random; I notice in one a charge of 4*s.* dock dues, and 4*s.* town dues.

2804. What sort of goods?—Assorted goods; there is another case, 11*s.* 2*d.* dock dues, and 10*s.* town dues for nails, spades, &c.; another case is 11*s.* 10*d.* dock dues, and 10*s.* 10*d.* town dues. I could give you many in the same way; merely showing that we pay in some instances, I speak proximately, upon the whole, very nearly as much for town dues as we pay for dock dues, which are all proper and legitimate charges. (*The Witness delivered in the Returns.*)

Vide Appendix.

Thomas Weld Blundell, Esq., called in; and Examined.

T. W. Blundell, Esq.

2805. *Chairman.*] WHERE do you reside?—At Ince Blundell, about nine miles north of Liverpool, and I come here for the purpose of making some statements respecting the claim of the Corporation of Liverpool, and also the dock trustees, to levy dues on some land which I possess along the coast between the Mersey and the Ribble, about 13 miles from Liverpool.

2806. You possess a considerable estate?—About seven miles, rather more than less, of coast, between Formby Point, on the seaside, and Southport.

2807. You reside on your own property?—I reside on my own property, at Ince Blundell; the lands to which I referred are opposite the Irish Sea, and are quite outside the Mersey; I believe there was a commission, in the time of Charles the Second, for the purpose of limiting the boundaries of ports, for the purpose of collecting conveniently the Custom-house dues.

2808. You mean the Commission of 1680, I presume?—Yes, and that commission I believe recites the Act of 14 Chas. 2d and 1 Eliz., which specify that they are entirely for the purpose of collecting the Customs dues; I ought to say

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that that Commission appointed the boundaries of the port, and it extended after that from Hoylake, I believe, to Hesketh Bank, on the Ribble. I believe that was the first time those limits were given, so far as the north is concerned; the extension of the limits for collecting the town dues has been confused with that for collecting the Customs; I do not know how they were made co-extensive; I do not know at what time it was; there seems a great deal of difficulty about it. I have investigated a good many documents, and made inquiries upon the subject; in all the old documents, and in all the old charters, so far as I have seen, the dues are to be collected in the stream of the river, or between the banks of the channel of the river; the river always was spoken of, or harbour of Liverpool in Mersey, and I do not know at what time the Corporation of Liverpool extended their claims to beyond the limits of the River Mersey; all I know is, that at present they claim to collect dues not only within the River Mersey, but also opposite my coast in the channel, in the Irish Sea, and also in the River Ribble, as far as Hesketh Bank.

2809. Do you know the terms of the grant of Charles the First?—Yes, more or less.

2810. It only speaks of the waters of Mersey?—It only speaks of the waters of Mersey. There are statutes referring to the docks, and they only speak of the waters of Mersey.

2811. Your estate has nothing to do with the Mersey; it is away from it, on the north-west?—Yes; I have brought a map with me (*explaining to the Committee, the Witness shows on the map Formby Point, and the other extremity of his estate at the north, near Southport, where a town, he says, is commencing on his land*). The reason for extending the port of Customs, as far as I am aware, is obvious enough; it was very easy for the collectors to go from Liverpool there.

2812. You are aware that the whole coast of England is parcelled out into Customs' ports; every part of the coast is in some port or other?—Exactly so; there are very often small ports, I know; Southampton and Lymington; Lymington is a small port, having its own jurisdiction and dues, but is still within the port of Southampton, though Southampton has no sort of control over the port of Lymington, except for the purpose of Customs.

2813. Mr. *Moffatt*.] Are there not classifications made with reference to the Customs, that certain ports shall have the power of levying dues upon other places within their special district?—They were made for the purpose of collecting Customs. I do not know any other instance but Liverpool where the jurisdiction of the leading town has been extended to those limits which were appointed for another purpose.

2814. That other purpose being Customs or fiscal purposes?—Yes. If you will allow me, I will read a part of the Dock Act (I have been speaking hitherto of the town dues), because I think it will throw some light upon the assumption of the corporation to collect town dues upon my land.

2815. Mr. *Beamish*.] What date is that Act?—1841; the 4th of Victoria, chapter 30. I am about to refer to section 101; I shall only read the part which relates to where the dues are to be collected: "Or shall take in, transship, or discharge its cargo, or any part thereof, in the stream of the said river, extending to high-water mark, from the limits of the said port seawards, to and within the limits to be included within a line to be drawn within the southern extremity of the township of Garston, in the county of Lancaster, to the southern extremity of the township of Eastham, in the county of Chester." That is up the river, with which I have nothing to do; I only refer to these words: "In the stream of the said river, extending to high-water mark, from the limits of the said port seawards." That is perfectly consistent with all the other documents I have seen; and when I read this last Saturday, both my solicitor and myself were of opinion that the dock trustees could not, would not, and did not intend to claim any dues upon my land or the south part of the River Ribble. I sent my solicitor officially to the solicitor of the dock trust, and also to a practical person, acquainted with the matter.

2816. *Chairman*.] Mr. North is the solicitor?—Yes; and both he and the other gentleman said that unquestionably they would collect dock dues at Southport and upon my land.

2817. Southport stands to the north of your land?—Just to the north. Mr. North also said, that whatever had been thought upon the subject before, by an Order in Council, all the river, the south bank of the Ribble, up to Hesketh Bank, had been included in the port of Liverpool; and when we looked at the Act of Parliament

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Parliament which had reference to it, we found that both the Order in Council and the Acts of Parliament referred entirely to the powers of the Customs, and had no reference whatever to any old charter or anything of the sort. I therefore wish to call the attention of the Committee to the practical effect that it may have upon my property. Hitherto, I believe, no dues have ever been collected upon my property, but time may come when a quay, or a pier, or something of that sort, may become very valuable, particularly for landing materials, timber, or bricks, or anything of that sort; in which case, whoever built that pier would not only have to pay the expense of the pier, but also all that was landed on it would have to pay dock dues and town dues.

2818. If I understand you rightly, your opinion is that this impost has the tendency to prevent the construction of works which would be beneficial to the public?—Most unquestionably; and it may be a very great detriment to my property. If the question was tried in a court of law (I do not speak as a lawyer), I do not think the opinion of Mr. North would stand; at the same time I should be forced to a very heavy expense in having a conflict with so powerful a body as the Corporation of Liverpool or the dock trustees. I have brought forward this statement regarding the assumption on the part of the dock committee, because I think it will throw light upon what has been previously done by the corporation as regards their claim for town dues. I think they never had any specific right to collect town dues outside the river; but, just as has happened with the dock dues, they have pushed it forward and extended the range where they collect dues. If there were not two old towns like Lancaster and Preston of considerable importance, not very far from Liverpool, to the north, the port of Liverpool might, if the principle was admitted, have been extended half way to Glasgow, and of course be a very great detriment to all the landowners along the shore.

2819. Of course the dock dues are collected within the area fixed by the Act of Parliament imposing them; but as to town dues, do you understand how they came to be claimed within that area?—I think it is just the same as the other; I do not think the Act of Parliament gives them the power, but there is a difference between practice and principle. The question of the town dues might have been contested a good many years ago; how far it would succeed now I do not know; the question of dock dues I could try upon the first load of timber, bricks, &c., that comes there. I could question the right in a court of law, but at a very great expense, and I suppose it is in that way that the assumption on the part of the corporation has taken place as regards the town dues.

2820. The area within which the town dues can be collected is not fixed by any Act of Parliament, is it?—I am aware of that. I believe, as I said before, that in no old charter or evidence of any right, had I seen anything that refers to the right of collecting dues beyond the stream of the River Mersey.

2821. Mr. *Beamish.*] Does not the clause you have read allude to what is called the limits of the port seaward?—Yes.

2822. What are the limits of the port seaward?—I think that they should be limited to the course of the river. The sand banks of the Mersey extend 15 miles from Liverpool; they extend really into the sea. According to the "Acts" of the Dock Trust, the stream is to be considered; seaward should mean towards the bar and mouth, neither of which are opposite my land, excepting half a mile of the northern end. The mouth of the Mersey may be said to extend into the sea, because the sand banks extend considerably beyond what may be called the line of the coast; that would not be opposite my land.

2823. Still it may be within the limits of the port seaward?—I do not quarrel with the right of the Dock Trust so far as the mouth of the Mersey is concerned; I say my land is fairly outside the Mersey altogether.

2824. It may be within the limits of the port; the very words of the Act are, "the limits of the port seaward"?—Yes; mine is not seaward, as regards the course of the river; opposite my property, of course, is the sea, but that is not the mouth of the Mersey.

2825. The words are, "the limits of the port seaward"?—That does not mean the Customs' port, as I take it, but the port in the Mersey.

2826. *Chairman.*] At any rate, the grant to take quay toll over the waters of Mersey would not carry a right to take quay toll on the Irish Channel?—No.

2827. Mr. *Beamish.*] There are limits defined to the port of Liverpool, and it is only over those limits that they have been collecting dues?—Yes; but I maintain that those limits were defined for fiscal purposes.

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2828. That is a question of law, is it not?—Yes; if that commission for Custom-house purposes had put different limits, it might have been at Fleetwood, or half-way to Glasgow.

2829. It is not so?—No; but it is bad enough for me as it is.

2830. *Chairman.*] The Customs port you speak of was established about 50 years after the grant of town dues, under which the Corporation of Liverpool claims, was not it?—I believe so; I must say I have studied it, and I could not make much of it.

2831. The grant of King Charles the First was in 1628?—Yes.

2832. That is the grant to take quay toll; the Customs Port was established in 1680?—Yes.

2833. The Customs Port, established 50 years afterwards, could not enlarge the power of the grant, I presume?—No, I presume not.

Edward Vickers, Esq., called in; and Examined.

E. Vickers, Esq.

2834. *Chairman.*] YOU are a member of the Firm of Naylor, Vickers, and Company, in Sheffield?—Yes, and Liverpool.

2835. What is your business?—Steel manufacturers and iron merchants.

2836. At whose request do you attend here?—On behalf of the Corporation of Sheffield and the Cutlers' Company.

2837. What opinion do you give with regard to the Liverpool town dues?—We object to them in Sheffield, that they are a tax for which we get no advantage whatever; they are not so oppressive in amount as in principle. The town of Sheffield is enormously taxed locally, and we feel in principle that it is a great grievance.

2838. What are your imports; can you mention any heads of imports on which you are taxed by Liverpool?—The raw material for Sheffield comes principally by way of Hull; our exports are principally taxed by Liverpool; our imports are occasionally heavy; that is when we are obliged to go to the western coast for bread stuffs, or flour and corn, which occasionally happens.

2839. Can you give any idea of the amount of the tax?—I think the tax on our exports are not less than 1,500 *l.* a year on the average, and sometimes more.

2840. Where is that trade principally directed to?—The United States.

2841. Is there any protective duty upon your manufactures in the United States?—Twenty per cent., and on the expenses of the goods.

2842. So that you pay duty on the town dues?—Yes, and all the shipping charges.

2843. So that you may add to the town dues one-fifth of the tax in America?—No; the town dues will not average more than 8 *d.* or 9 *d.* a ton on steel.

2844. If you pay 8 *d.*, you pay 1½ *d.* in America upon that tax to the American government?—Yes.

2845. What is Sheffield rated at?—The taxation of Sheffield, I think, is very high indeed. The township of Sheffield, in which our works are situated, paid last year 5 *s.* 11¾ *d.* in the pound. We have no funds in Sheffield for local improvements whatever, except by taxation. The borough has no property, no income, except the power of taxing to the extent of 9 *d.* in the pound.

2846. Can you state what your own firm pays in the shape of Liverpool town dues?—In Sheffield about 120 *l.* a year. In Liverpool we pay from 800 *l.* to 1,000 *l.* a year in town dues; we pay 6 *d.* a ton on every ton of iron we ship.

2847. How is it that you pay in two different establishments?—We have a firm in Liverpool, and we ship a great quantity of iron; solely iron.

2848. What do you pay altogether for your two establishments?—From 1,000 *l.* to 1,200 *l.* a year, and no members of the firm are freemen of Liverpool.

2849. Do you object to the privileges of the freemen of Liverpool?—Certainly.

2850. Do you find that that privilege interferes with the natural action of trade?—I cannot say so much as that.

2851. The duty is small in comparison with the value?—Sometimes, when iron is 6 *l.* a ton, it is rather a heavy burden upon it. There is one remarkable thing I cannot account for; in many cases I find that the dock dues are absolutely lower than the town dues; I see that in the last quarter of this year we paid for the Sheffield house 11 *l.* 17 *s.* 9 *d.* for dock dues, and 20 *l.* 15 *s.* 4 *d.* for town dues, which seems a very great difference.

2852. Your

2852. Your manufacture is of considerable value in proportion to its bulk?—Yes. *E. Vickers*, Esq.

2853. Is that the explanation of the town due being so high?—No, it is on weight. 26 May 1856.

2854. Mr. *Beamish.*] Is it by weight that you pay town dues on manufactured articles?—Yes; on iron we pay so much a ton; on steel we pay so much a package, bundle, or case.

2855. *Chairman.*] Do you consider that you get any equivalent for those town dues?—None at all.

2856. Supposing they were employed for the purpose of the port, and facilitating the shipping of your goods, should you object to them?—We should not object if we had any consideration for them.

2857. Mr. *Duncan.*] You say that you pay 11 *l.* town dues upon the hardware goods sent from Sheffield?—No; I said, in our shipments of steel for the Sheffield house we shipped 596 tons of steel, on which we paid dock dues 11 *l.* 17 *s.* 9 *d.*, and town dues, for which we get no consideration, 20 *l.* 15 *s.* 4 *d.*

2858. That arises from their being put up in different packages?—Yes.

2859. Mr. *Horsfall.*] Have you examined that statement by the rates, to see that they are correctly charged?—I am confident that my Liverpool partners would not pay anything more than they could be legally charged. I think that the dock dues do not exceed 4 *d.* a ton on iron. I am not quite certain whether it is 8 *d.* or 9 *d.* on steel.

2860. What is your Liverpool firm?—Naylor, Vickers, & Co.

2861. *Chairman.*] Do you wish to add anything to your evidence?—No. I believe that the dock dues are less than the town dues on iron.

Mr. *James Watson*, called in; and Examined.

2862. *Chairman.*] YOU reside at Birmingham?—Yes. Mr. *J. Watson.*

2863. Of what firm are you a member?—I am in business on my own account.

2864. What is your business?—A provision merchant.

2865. Do you attend at the request of the Chamber of Commerce?—Yes.

2866. What do you pay yourself to the town dues of Liverpool?—About 100 *l.* per annum.

2867. Can you state the articles on which you pay?—Upon butter.

2868. How much upon butter?—About 45 *l.*; on bacon, about 35 *l.*; on hams, about 5 *l.*; lard, about 5 *l.*; and cheese, about 10 *l.*

2869. What are the charges upon each article?—The charge upon butter is 1 *s.* per ton from the list.

2870. Bacon?—One shilling; hams, 1 *s.*; lard, 1 *s.*; and cheese, 6 *d.*

2871. Where are those articles sent to principally? They come into the Port of Liverpool.

2872. Do you find any difficulty in ascertaining what the charges for town dues are?—I could not account for the discrepancies.

2873. What discrepancies?—The discrepancies between the charges as per list, and the actual charges.

2874. Can you mention any of those discrepancies?—I found that in the case of firkins of butter coming from Ireland, they were charged 6 *d.* per score; I find the same rule is adopted as regards crocks of butter; that would be 2 *s.* 6 *d.* per 100; 100 firkins of Irish butter would average 66 or 67 cwt., and 100 crocks of butter would not average more than 35 cwt., and the charge would be the same. I found that the charges were not very accurately ascertained; there was a sort of guessing at it.

2875. You were going to say that you ascertained why this was?—I inquired from the steamboat company, who appeared to collect them, why they charged them on to us; we pay them as a "Paid on;" that is to say, the goods are charged when they are given to the railway or canal company with the charges, and the railway company or the canal company, as the case may be, charge them to me.

2876. How do you account for these discrepancies?—By the way in which they are collected; the steamboat company, who I presume accounts to the corporation, are allowed, to some extent, apparently to make the charge themselves; the same charge is made for 67 cwt. that is made for 35 cwt.; it professes to be

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charged per ton, whereas upon one case it would not be more than 9 *d.*; in another case it would be 15 *d.* or 18 *d.*

2877. Are the steam company's charges the same as those in the printed tariff?—No.

2878. Are they larger or smaller?—In the one case larger, in the other smaller.

2879. Are you aware what they pay to the corporation?—I do not know.

2880. Is it composition?—I do not know; I inquired if they made a profit out of it, and they said not.

2881. Then those charges are not collected in the Custom-house, as I understand, at all?—No, the goods not being subject to duty in the case of Irish provisions.

2882. Your evidence only applies to Irish provisions?—Yes; it would apply to all foreign imports.

2883. You are not subject to duty?—There is a duty upon foreign butter, and also upon foreign cheese.

2884. How is the town due paid upon that; in the same way?—It is paid in the same way.

2885. By the person who imports it?—Yes, by the importer.

2886. Supposing some one article of provision, ham; is there a duty upon ham?—If dried.

2887. Supposing there is a town due upon foreign ham, where would it be paid?—I cannot tell whether they would be paid in the Custom-house, or charged on.

2888. You do not know the course of business of paying it?—I do not.

2889. You would ultimately have to pay it; but you do not know the intermediate dealings as to how the money gets to the corporation which you have to recoup?—I have not imported any foreign provisions since this matter came to my notice.

2890. In the case of Irish provisions, the steam-boat company pay?—In the case of Irish provisions, the steam-boat company pays the charges, and they charge it on to us.

2891. You pay the railway company, who repays the steam-packet company?—Just so.

2892. You do not know how it is with regard to foreign goods?—No.

2893. This 100 *l.* a year which you pay is for duties on Irish produce?—On Irish and some foreign.

2894. The butter is Irish?—Yes.

2895. Bacon?—Bacon would be jointly Irish and American.

2896. Ham?—Ham would be jointly.

2897. Lard?—Jointly.

2898. Cheese?—American.

2899. The larger part would be Irish?—The bulk would be Irish.

2900. Two-thirds or three-fourths would be Irish?—Not so much.

2901. Mr. *Horsfall.*] Do you import those yourself, or do you buy them in the Liverpool market?—I import the Irish provisions; the foreign provisions I buy in the Liverpool market.

2902. Not having to pass those entries, you do not know the process of collecting the dues?—I do not know the process as regards the foreign.

2903. Mr. *Beamish.*] Is the 100 *l.* upon all, or only upon the Irish?—The 100 *l.* is upon the whole.

2904. Not directly paid by you if you buy in the Liverpool market?—It comes to me eventually.

2905. Is it by a calculation of yours that you are charged 100 *l.* Liverpool town dues on the goods you purchase, or is it an absolute charge made to you?—It is a calculation I make; the absolute charge would amount to that.

2906. *Chairman.*] You take it for granted that whatever is paid for Liverpool town dues is repaid by you?—Yes.

2907. Mr. *Horsfall.*] And you get it from the consumer?—Yes.

2908. Mr. *Beamish.*] What class of butter is it that comes in crocks upon which you say you pay so much more in proportion than you do upon butter in firkins?—Belfast and the North of Ireland, generally.

2909. What class of butter; is it different from that which comes in firkins?—About the same.

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2910. The same value?—It would be an average value.

2911. Are you aware of the value of a ton of butter?—Yes.

2912. What is the present value of a ton?—About 100 *l.*

2913. Is it not worth more than that?—It was worth more than that a week ago, but it would not be worth more than that to-day.

Mr. *John Charley*, called in; and Examined.

Mr. *J. Charley.*

2914. *Chairman.*] YOU are a member of the firm of Malcolm & Charley, of Belfast?—Yes.

2915. Have you been in communication with the Chamber of Commerce, in Belfast, on the subject of this Committee?—Before I came away I spoke to some gentlemen, and, if time had served, they would have given me letters to show that I appeared on their behalf.

2916. What business does your house carry on?—Steam agency from Belfast to Liverpool and Dublin.

2917. Can you state the amount of charges paid at Liverpool?—Mr. Getty, the secretary of the Belfast Harbour Commissioners, is here with an account of the imports and exports between Belfast and Liverpool; from the published rates we have made up exactly the amount that should be paid in Liverpool upon every separate article. I have to complain that the Belfast and Liverpool Steam Company, trading to Liverpool, are situated in a way that no other steam company is; the way is this: the other steamers trading to Liverpool have no competition with Fleetwood, or other ports on the West Coast of England, therefore they can charge the consignee or shipper the town dues which we have to pay; to enable us to get any traffic we have to carry a great many goods at the same rate as they are carried from Fleetwood, and different places; we have to pay those dues out of our freight in those instances, therefore we are paying towards the expenses of the town council of Liverpool, for which we receive nothing; something like the tune of 300 *l.* a year, and we think it is a very great hardship.

2918. Mr. *Beamish.*] Do not the City of Dublin Company trade to Liverpool?—The City of Dublin Company have no steamers between Belfast and Liverpool.

2919. Between Dublin and Liverpool they have steamers, have they not?—That is a different thing; their town dues are charged to the consignee or the shipper, but we, owing to competition, have to pay them ourselves. We are now carrying flax from Rotterdam through, in three days, for 27*s.* 6*d.* a ton; our proportion of the through carriage comes to only 4*s.* or 5*s.*, and out of that we have to pay 6*d.* per ton town dues.

2920. *Chairman.*] That is 10 per cent. upon the gross charge which you receive?—It is 10 per cent.; our through trade for flax is something like 2,000 tons a year.

2921. What you complain of has arisen in consequence of the competition with Fleetwood?—Fleetwood, 15 years ago, was not in existence; it is just because of the charges that Liverpool has made, that has made Fleetwood what it is; Fleetwood, as Mr. Getty can prove, pays an equal amount of dues to Belfast to that which is paid by the Liverpool trade: Fleetwood is now enjoying as much trade with Belfast as there is with Liverpool and Belfast.

2922. Mr. *Horsfall.*] What description of dues do you speak of as being paid at Fleetwood?—I refer to the dues which are paid to the Belfast Harbour Commissioners for sheds, quays, and everything like that.

2923. *Chairman.*] The point which you raise is, that this is a tax upon you as carriers?—It is a tax upon our steamers.

2924. Instead of being a tax on the consumer?—Yes; the consumer will not pay them in our case at all, and he would be a great fool if he did, I think.

2925. Is there any difference in the cost of the carriage by railway of your goods, whether they come by Liverpool or Fleetwood?—They are both the same by agreement.

2926. Where does the flax go to principally?—There are 3,000 tons of flax imported from Antwerp and Rotterdam through Hull, Fleetwood, and Liverpool.

2927. Where does it go to from Fleetwood and Liverpool?—About 3,000 tons come from Hull to Liverpool for Belfast; Belgian, Dutch, and French flax coming to Belfast to be spun.

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2928. Do you import flax into England?—We import flax into Ireland, and we send flax outwards also.

2929. You principally import into Ireland?—We send flax from Belfast into England as well as import it, and we send flax to France as well as get flax from France.

2930. Am I to understand you to say that the flax you take from Rotterdam to Belfast stops at Liverpool?—It comes by steamer from Rotterdam to Hull; thence it comes by railway to Liverpool or Fleetwood, and thence by steamer. We are stopped from sending any flax from Belfast to Liverpool, because the inward dues are 1*s.* a ton, so that we cannot afford to carry it, and the Fleetwood boats get the trade.

2931. Did you once possess that trade?—We had every bit of it, and now we have lost it, as I know to my cost too well.

2932. Do you consider if the town due was taken off that you could compete with Fleetwood?—I do; it is a large tax upon many articles; and sometimes freights come so low that it is not worth our while to carry them. To show the Committee how the Liverpool dues can be charged, I will give them this example: a bale of cotton wool, on landing from an American ship, will pay 2 *d.* to Liverpool; on shipment to Belfast it will pay 1 *d.* It is there made into yarn, and goes back to Manchester. On return from Belfast to Liverpool, *en route* to Manchester, as yarn, it will pay 2 *d.* On return to Belfast, as woven goods, or plain cotton to be printed, it pays 2 *d.* In Liverpool again, on its return to Manchester to be sold as Manchester printed goods, it pays 2 *d.* In Liverpool again, on its return to Ireland to the consumers, it pays 2 *d*; so that in all that one package pays 11 *d.*

2933. Does that ever happen?—Yes; a gentleman from Manchester told me that one bale of cotton wool would make two bales of cotton cloth, so that it would pay more. To show the ridiculous nature of the charges, I may state that there is a large trade at Belfast in buying empty casks to go to Liverpool; those casks pay 6 *d.* for freight, and the Liverpool Corporation charges 1 *d* a piece town dues; that is, 32 *l.* 9 *s.* 2 *d* upon 7,790 empty casks, being a sixth part of our freight; that is upon a package worth about 4 *s.*

2934. Do you consider that Liverpool is acting for its own interest in imposing those dues upon you?—I do not; if I had had more time before I came here, I could have got a document signed by every merchant in the north of Ireland, showing that it is considered a great disadvantage. My relations are amongst the largest linen manufacturers. I have eight or ten relations who are bleachers, and they all spoke strongly on the subject before I came away. Mr. Kirk, the honourable Member for Newry, pays nearly 40 *l.* in Liverpool town dues.

2935. Is there anything else which you wish to state to the Committee?—I think that is all. We consider it a great hardship that our steamers should have to pay towards the keeping, the support, of the streets of Liverpool.

2936. Do you think the feeling of the people in the north of Ireland is favourable to the Liverpool town dues?—I am sure it is not.

2937. Mr. *Beamish.*] Should you object to the town dues, whether they went to the support of the streets of Liverpool or to the support of the port?—We are quite willing to pay for whatever accommodation we get; but I think we are sufficiently taxed now.

2938. Supposing the town dues were applied to the purposes of the port, would you complain of them then?—I do not think I would.

2939. Would not the competition between Fleetwood and Liverpool still exist?—Yes; but then we should have value for it.

2940. The competition would still exist with regard to freight?—It would not require all that is now levied to give accommodation.

2941. Supposing it was levied?—You cannot suppose it at all; they lay out now as much money as is absolutely necessary upon the docks, and they cannot lay out more.

2942. Supposing it to be so, you would not object?—You cannot suppose anything of the kind.

2943. Would not the same competition exist as between you and Fleetwood?—No doubt the competition between us and Fleetwood would exist still; for all that, it is not a case in point, because the dues are sufficiently high, as high as the ships can bear.

2944. Mr. *Fenwick.*] If 125,000 *l.* a year was laid out upon the accommodation

dation for shipping in the River Mersey, do not you think they could do without levying such high dock dues as they levy now?—Of course they could reduce the other dues. Mr. *J. Charley.* 26 May 1856.

2945. Practically, you think both the charges would not be levied?—There would be no more levied than there is now, if the town dues were applied to the docks.

2946. Mr. *Beamish.*] That is a matter of opinion?—Yes.

2947. Mr. *Vance.*] Do you know if the freight be the same between Fleetwood and Belfast as between Liverpool and Belfast?—Exactly the same, according to an agreement, which I made up myself, and out of that freight we have to pay the dues and cartage at Liverpool.

2948. Do you think that the preference which is given to Fleetwood is entirely owing to the local dues at Liverpool?—The people do not give the preference, but we cannot afford to carry the goods sometimes.

2949. Why not?—It will not pay us. Fleetwood can earn so much, that they have steamers every day, whereas we have only one twice a week.

2950. Mr. *Horsfall.*] What is the difference of distance between Belfast and Liverpool and Belfast and Fleetwood?—Thirty miles.

2951. *Chairman.*] Fleetwood is 30 miles nearer to Belfast than Liverpool?—Yes.

2952. Is it a good harbour?—Safe enough.

2953. Does anything go to Morecombe from Belfast?—Yes, four times a week.

2954. Does that compete with you?—It does, seriously.

2955. Mr. *Hardy.*] Does not Holyhead compete with Liverpool with respect to the Dublin steamers?—I do not know anything about Dublin; I reside in Belfast.

Mr. *Edmund Getty*, called in; and Examined.

2956. *Chairman.*] YOU are the Secretary to the Harbour Commissioners at Belfast?—I am; I only appear here as a public officer; I do not take any interest in the question beyond that. Mr. *E. Getty.*

2957. As Secretary of the Harbour Commissioners, do you keep an account of all imports and exports in the port of Belfast?—I do; I keep an account of the imports and exports from Belfast to and from every part of the world.

2958. For what purpose is this account kept?—We levy a small rate for the support of our harbour on goods, therefore it is necessary to keep an exact account of them.

2959. Those dues are applied to harbour purposes altogether?—Yes.

2960. Not at all to municipal objects?—Not at all.

2961. Have you made any extract out of the books?—I took out an exact account for the last year; that is, the year ending 31st of December last, of all the goods that passed between Belfast and Liverpool to and fro. I believe the object of the parties was to ascertain how much of Liverpool town dues must have been contributed by Belfast. I was asked to make that out, and I took out what I supposed was a fair gross. I understand that in Gore's Directory the list given there is correct of the Liverpool town dues, and I applied that scale to the amounts that I took out from the Harbour Commission Books of the imports and exports, and I find, according to that, that Belfast must have paid 1,759 *l.* 7 *s.* 7½ *d.* during that year, of Liverpool town dues.

2962. Can you state how much of that was on imports, and how much on exports?—£.761 10. 2½. on the imports, and 997 *l.* 17 *s.* 5 *d.* on the exports; the difference arises from the large quantity of linen cloth which passes from the north of Ireland to Liverpool.

2963. Mr. *Horsfall.*] Can you inform the Committee what is the amount of harbour dues paid respectively by vessels from Liverpool and from Fleetwood?—I think that they very nearly amount to the same; the trade of Fleetwood and the trade of Liverpool are nearly equal. I only take it by our rates on goods, which is the easiest way of taking it. I find that there is only 3 *l.* of difference between the trade of Liverpool and the trade of Fleetwood. I was surprised to find that; for Fleetwood is such a new port, that I supposed the trade of Liverpool was much greater. I find that Fleetwood is doing fully half the trade between the north of Ireland and England.

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2964. *Chairman.*] Have you turned your attention to the subject of taxation? —I have; as far as relates to the port of Belfast, I have had occasion very much to attend to the subject of taxation.

2965. Did you memorialise the Harbour Commissioners upon the subject? — I have reported to them several times upon the subject of the condition of the harbour, and I have endeavoured always to induce them to do away with what is called indirect taxation, and to make all the taxation as direct as possible, so that the shipowner knows not only what he is paying for a particular thing, but he is able to ascertain whether he is paying too much for the particular accommodation; that is, we charge a certain thing for quay-rates; we charge a certain thing for pilotage, which we keep as low as possible. We do not make any profit, as we used to do, on pilots; we only receive from the ship the pilot's wages, and if we want a larger amount due for the support of the harbour, we should put it in the shape of tonnage upon the ships.

2966. Not on the goods?—We put such charge upon the goods as appears to cover such accommodation as they get. At one time, before the Harbour Commissioners purchased the old quays of the town, there was a large charge made, what was called quayage: that has altogether been abolished: it came to 3*d.* or 4*d.* a ton on goods. We considered the small rate that we had on the goods, which I suppose averages about 2*d.* per ton, was sufficient to cover the accommodation the goods received from us in sheds and quays.

2967. Liverpool also taxes directly?—They do; but Liverpool has a profit on pilotage, but we have not, and several matters of that kind.

2968. Do you know what the pilotage at Liverpool is; is it high or not?— Their pilotage is much higher than ours; but the difficulties of approaching their harbour are much greater. I believe part of their income is derived from pilotage; but no part of our income is, properly speaking, derived from pilotage.

2969. The charges for pilotage are high at Liverpool?—Yes.

2970. Are you aware that they receive about 8,000*l.* a year from the Consolidated Fund in aid of those charges?—No.

2971. Mr. *Horsfall.*] You do not mean to convey to the Committee that the Corporation of Liverpool derive any income from the pilotage?—I have always understood that they did, but I may be in error. The only way I have of knowing about it is, that when the licensing system was proposed, I know it was very much opposed at Liverpool; and on asking some one connected with the trade, they told me it was because they had an income from it.

2972. By whom was it opposed?—By the Liverpool Dock Trustees. I was told they opposed the system that was introduced under the Pilotage Act from some feeling of that kind.

2973. Mr. *M. Gibson.*] Under what authority do you take your dues in Belfast?—Under a special Act. The last Act we had was dated in 1847. It is a renewal of the former Act. We take all under Act of Parliament.

2974. For the improvement of the harbour, in fact?—Altogether for the improvement of the harbour. At one time the harbour was under the Municipal Corporation, and I have not access to their books, for they are unfortunately mislaid; but from old recollection of seeing those books many years ago, the sovereign, or, as he would be called in England, the mayor, was the water-bailiff, and he levied some small dues to support the harbour. The thing was taken out of the hands of the corporation, and handed over to a distinct body of Commissioners for improving the harbour; whatever taxation was formerly levied by the Municipal Corporation, died away at that time, and never was renewed, and they have never exercised any power over the harbour since. What the nature of their powers were, I do not know, because their books are lost.

2975. Mr. *Vance.*] Was it at the time of the passing of the Municipal Reform Act?—No, in 1785, an Act of the Irish House of Commons; they found the harbours so much neglected, that the House took Belfast, Sligo, and Galway harbours out of the hands of the local corporations, and appointed distinct bodies for their management.

2976. Mr. *Hardy.*] Are all the Harbour Commissioners inhabitants of Belfast? —They are, properly speaking; the Marquis of Donegal, the lord of the castle in his official capacity, is the chairman, but he is very seldom in Belfast; he has a place of residence there; all the other commissioners are resident.

William Gibb, Esq., called in; and Examined.

2977. *Chairman.*] YOU are a distiller and wine merchant?—I am.

2978. And a director of the Commercial Association in Manchester?—Yes, I am.

2979. Deputed by that association to give evidence before this Committee?—Yes.

2980. Have you any petition which you wish to lay before the Committee?—I beg to state, in the first place, that the attention of the Commercial Association was called to a meeting in Liverpool some time back, when the Shipping Dues Commissioners went down for the purpose of hearing the different parties regarding the town dues. At that time there was a meeting of the directors of the association, and they took certain steps, and I had better bring them forward: here is an extract from the minutes of a meeting held on the 11th of April 1854: "It having been intimated to the Board, that the inquiry respecting the Liverpool Town Dues would be re-opened before Her Majesty's Commissioners at Liverpool on Wednesday the 12th instant, it was unanimously resolved, that the president, with Messrs. Gibb and Jordan and the secretary, be and are hereby appointed a deputation to attend before the Commissioners for the purpose of offering evidence as to the burthensome effects of the Liverpool town dues upon the trade of Manchester." In accordance with that, the parties went to Liverpool, and made some statements to the Commissioners at that time. At the commencement of this year, when the Bill for doing away with the local charges upon shipping, was before the House, the association, at one of its meetings, agreed to a petition to the House of Commons, which I shall take the liberty to read.

2981. Mr. *Watson.*] Has that petition been presented to the House?—Yes. "That your petitioners have seen with satisfaction that a Bill has been introduced into your Honourable House, having for its object the abolition of passing tolls and the regulation of local dues on shipping. That your petitioners represent a large body of merchants extensively engaged in foreign commerce, whose exports and imports at Liverpool are subject to the payment of town dues levied at that port. That your petitioners have long protested against the imposition of those rates, and on a former occasion brought the subject under the consideration of your Honourable House. That whilst your petitioners strongly object to the payment of a tax for which no services are rendered in return, they willingly submit to all such charges as are actually required for shipping purposes. That the great revenue derived from the town dues at Liverpool levied upon all merchandise borne on the waters of the Mersey has not been so applied, but has hitherto occupied the place of a borough rate, and has been mainly expended for municipal purposes. Your petitioners therefore earnestly pray your Honourable House to afford your legislative sanction to the Bill above referred to, and thereby relieve the trade of this district from the imposition of the tax complained of."

2982. *Chairman.*] Have you entered into any calculation of the amount of manufactured goods exported from the United Kingdom?—I have done so; I have endeavoured to ascertain as far as possible what bearing the exports of Liverpool have as compared with the exports of the United Kingdom. I find a statement that appears to be official in a Liverpool newspaper, which declares that the goods exported from the United Kingdom for three months, ending the 31st of March last, amount to 25,149,000 *l.* I find also that of the above was exported from Liverpool 12,477,219 *l.*; consequently Liverpool has exported within 200,000 *l.* of one-half of the entire exports of this country; therefore it would appear from this, that one-half of the entire exports of this country are taxed with town dues for the benefit of Liverpool, for which, as far as I can see, they give nothing in return. My attention has been called to what amount may be claimed by Manchester, and the neighbourhood of Manchester, of that amount of 12,477,219 *l.*, which goes out of Liverpool. Manchester is the market of the district; parties come to sell their goods in Manchester. I have attempted to arrive at this, and I find that the value of cotton yarn, cotton thread, and manufactured cotton exported from the United Kingdom in the year 1855, was 34,354,489 *l.*; therefore I take a fourth of that amount, which will be equal to a quarter of a year, and I find that is 8,344,321 *l.*: I then take two-thirds of the above amount of exports for the three months ending the 31st of March last, viz., 12,477,219 *l.*, which is 8,319,092 *l.*, and I find that the cotton yarn,

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cotton thread, and manufactured cotton is two-thirds of the entire exports out of Liverpool; therefore I presume that Manchester, and the surrounding district, have a right to state that they pay two-thirds of the entire of the town dues claimed upon those goods outwards. I cannot tell exactly the amount of the town dues outwards at present, but some years back I had occasion to make some inquiry, and I found at that time that out of 110,000*l.* or 115,000*l.* about one-half, or about 60,000*l.*, was chargeable upon goods outwards, or upon the exports. If that is so, I take two-thirds of the 60,000*l.*, which is represented by 40,000*l.*, which I think I have a right to state that Manchester and the neighbouring district pay towards the town dues. Having stated this much, I should like to explain the system upon which those goods are sent out of the country. Having been present at the debate in the House of Commons in the first part of the year, and seeing that in the House of Commons there seems to be a general opinion that passing tolls should be done away with, whatever may be done with these duties, I am anxious, if I can, to show that these town dues really are passing tolls. I explain it in this way: the goods brought by water-carriage from the interior, from Manchester and the neighbouring district, go down by the River Mersey, or by the canal, which is called the Duke of Bridgewater's Canal. A great part of those goods are put into flats in Manchester; they are sent down the river, and go into the docks at Liverpool; they go alongside the ship. Those goods are put out of the flats into the export ship, never being landed at Liverpool, never touching Liverpool; that is the case as regards the goods from the Manchester district. But this is not all; I find also upon inquiring, and which I can state as a fact, that a great part of the goods that come from Birmingham, Wolverhampton, and from the Potteries, almost all come down by means of the Trent and Mersey Canal, and find their way to the Mersey in flats in the same way those flats also come down the River Mersey, and go into the docks, and they pay dock rates for the purpose of putting their goods into the export ship. Those goods, as I before said, never enter into Liverpool in any way whatever; that is the case as regards goods being carried by canal. If you take the goods again by railway, these are sent down by the London and North Western Railway from Manchester and the neighbouring district; when they get to Liverpool, or within a short distance of Liverpool, the line forks into two points, one point leading to the north end of the docks, and the other to the south end of the docks, in order to get those goods from the interior as soon as possible alongside the ships; that being done, they then get into contact with the railways which are formed along the entire length of the docks. I find only last week there was a meeting of the Liverpool Dock Committee, and it is stated by the newspaper to this effect: "The usual meeting of the committee was held yesterday, Mr. Charles Turner in the chair. The sub-committee produced a report from the surveyor on the completion of the North Dock Railway on the low level. The report was little more than a memorandum, that the connexion between the line of railways belonging to the dock trustees at the north end of Sandon Dock, and the low level line of rails communicating with the Lancashire and Yorkshire railway across the street, was completed on the 8th instant. The whole line of rails along the dock quays could now be travelled upon by either of the railway companies, the London and North Western, and the Lancashire and Yorkshire." Now, those goods very clearly do not go into Liverpool; either they are passed down by railway as near the ship as possible, or they are carted along the quays, or carried by railway across the quays. As I understand it, the dock committee pay for the streets along the quays; it is very evident there is no charge made against the Corporation of Liverpool for streets; so that the Corporation of Liverpool, as regards those goods outwards, do positively nothing for the town dues which they receive upon those goods; therefore I cannot help thinking, although these dues are not, according to the technical term, what is called a passing toll, it is very clear they are really passing tolls, for a large charge was made for which nothing is done in return. That is a statement as regards goods outwards. I should be glad to make a short statement as regards goods inwards. I do not know the exact proportion of imports into Liverpool in comparison with the United Kingdom; but from the tonnage account, which is all I can get at, I have reason to believe that not less than half the entire imports of this country come into the port of Liverpool. I have taken a number of articles which enter into general consumption in the country, from returns that I have of the import of those goods into the port of Liverpool during 1855, and I find that town dues have

have been charged upon 654,690 packages of sugar, in hogsheads, tierces, bags, and casks, which would produce to the town dues 2,836 *l.* I find that 14,320,400 lbs. of tea were also imported in chests, averaging 80 lbs. to a chest; that will bring 1,490 *l.* I find 59,448 packages of coffee in tierces, barrels, casks, and bags, 445 *l.* I find in foreign flour 366,782 barrels and sacks brought into Liverpool for the quarter ending the 31st of March last, and 31,482 exported, leaving a total of 335,300, which would bring 6,460 *l.* per annum upon flour. I find also 788,855 bags of rice brought in, which would bring 3,286 *l.* town dues.

2983. Mr. *Moffatt.*] What is the value of that rice?—I do not know. I agree with Mr. Ashworth with regard to cotton. I have taken the consumption of cotton which is stated by Burns to be 39,701 bales per week in the United Kingdom, taking 2 *d.* per bale, which makes 325 *l.* per week, or 16,900 *l.* per annum. In the manufacture of that cotton into articles for sale, there are a large number of articles which enter into its manufacture, and I find that the quantity of olive oil, which is principally used in spinning, last year, was 10,100 tons, and that will bring, at 8 *d.*, 336 *l.* I find madder roots, 21,700 bales at 2 *d.*, 180 *l.*; dye woods, 29,500 tons at 6 *d.*, 737 *l.*; shumac, 90,600 bags at 1 *d.*, 377 *l.* Those are articles that go into the process of manufacture, which, although they are taxed for town dues as a matter of course, are chargeable against the article itself. Having stated this much, I wish to now state to the Committee my opinion as regards the question of the right of levying those dues. I look upon that in this light: I see that the date of the supposed purchase of the right to levy town dues was 1672. I cannot understand, knowing that at that time, and for a long time afterwards, that no foreign goods could come into Liverpool, how it was possible for them to buy something which at that time did not exist. I should like to call the attention of the Committee to the East India trade. It is well enough known that in 1795 great attempts were made to upset the East India Company's Charter; but at that time it was prolonged from 1795 to 1813, and the trade was opened then to British subjects; but all goods imported from and exported to India, could be only carried in the East India Company's ships; and from 1795 to 1813, we very well know that no ships belonging to the East India Company came into any other port than London. If that is so, then the East India goods, which form a very large amount of the imports into Liverpool, could not have come into Liverpool until 1813, and I cannot see how it is possible that they could buy a right to tax those goods, which, as I said before, had no existence. I would make the same remark as regards the China trade. It was only in 1814 that Liverpool seems to have at all got anything in the shape of advantage in the imports and exports of the East Indies. I find it stated that only in 1814 the first ship was fitted out in Liverpool for the East Indies; and I may also state that it was only in 1833, a very short time back, when teas were allowed to be brought into the port of Liverpool; at that time the privilege was extended for putting teas in bond; that commenced in 1833. I have been just stating that there is a large rate paid upon teas, and, as I said before, I cannot see how they could have bought a right to tax that which did not at that time exist. I find, as regards the article of cotton the following statement. M'Culloch says that he cannot fix the precise time at which cotton manufactures were introduced into England, but he thinks it probable to have been about the commencement of the 17th century. If that is so, and if the privilege was supposed to be bought in 1672, I cannot see how they can have bought the right to tax cotton under such circumstances. As regards the collection of the dues being a hardship, and unusual, I should look to the fact in this way: supposing that all the exports and imports up the river Thames were attempted to be taxed by the people at Gravesend for their advantage, it strikes me that very strong objections would exist in London against any such charge.

2984. Mr. *Fenwick.*] That is a passing toll?—That is a passing toll, and I have been trying to make out the other to be a passing toll. As regards Greenock and Glasgow you have the same thing, and I think the Glasgow people would not like to have a charge made upon goods landed at Greenock and sent up to Glasgow, for which they get nothing, for the improvement of Greenock. I think these dues are unreasonable in principle.

2985. *Chairman.*] What do you say to the question of vested interest?—As regards vested interest, as I have stated before, I cannot see how it is possible for them to have a vested interest in that which did not exist at the time when they made their purchase.

2986. Do you consider that they have a vested interest in that which did exist at the time?—To that extent, if the money is taken in the shape of a toll for the purpose of maintaining the port. If the vested interest lies in charging tolls for the purpose of laying out the money upon the river, I am sure nobody in Manchester would object to it.

2987. Mr. *Watson.*] You do not object to confiscate property belonging to the Liverpool Corporation?—In the first place, I must be satisfied that it is property.

2988. Suppose it is property?—I cannot suppose so.

2989. Supposing they have held from time immemorial the right to charge 2 *d.* upon goods coming to Liverpool, would you confiscate that?—I will say at once it seems to me perfectly impossible that it could exist.

2990. Supposing from time immemorial the Liverpool Corporation have taken 2 *d.* upon every ton of goods coming to Liverpool, from the time of Richard the First, for example, would you be prepared to confiscate that right?—I cannot tell whether it is right or wrong in absence of facts.

2991. Supposing the corporation of Liverpool from time immemorial has received, by itself, or by persons to whom it was granted, 2 *d.* per ton, would you take that right from them without compensation?—You may drive me to say yes, but that would be wrong; I must have a statement of the whole of the facts before me before I can give an opinion.

2992. I give you the facts, that from time immemorial the Crown, its grantees or lessees, have received 2 *d.* per ton upon all goods to the present time, would you confiscate that?—As I said before, if it is a right belonging to Liverpool I would confiscate nothing.

2993. Mr. *M. Gibson.*] You do not like to answer hypothetical questions, I presume?—I do not, because I like to have the facts put before me.

2994. Mr. *Watson.*] I will take the statement which I have put to you as the fact?—The Liverpool Corporation is a public body, and whatever money they get, ought to be expended for the public good, and not for their own; if they took that money for the public good, and laid it out for the benefit of the public, I should be satisfied.

2995. The corporation being a public body, you think the right may be confiscated as not being for the public benefit?—I do not know what the view of Parliament may be; Parliament has done so before.

2996. *Chairman.*] You are aware that passing tolls are given to certain harbours under Acts of Parliament on ships that pass by?—That is the technical term for a passing toll.

2997. Can you see any distinction between the property which the boroughs of Whitby and Burlington have in their passing tolls, and the property which the Liverpool Corporation has in its town dues, according to the case which has been put to you by the Honourable Member for Hull?—I do not know the case of those places; but I say this, that it is a passing toll at Liverpool, as regards goods passing to Runcorn. A passing toll is now charged upon those goods passing up to Runcorn, which must be charged under the purchase or supposed purchase of these town dues. If the House of Commons says you shall do away with passing tolls, if there is a charge upon goods up to Runcorn, the House must say at the same time they will do away with town dues, because the one is levied upon the same supposed purchase as the other.

2998. Can there be a better title than a title under Act of Parliament?—No; I should like to hold a lot of land under a Parliamentary title.

2999. If either Ramsgate or Whitby has its passing tolls by Act of Parliament, do you think the House of Commons could, with any consistency, take away those passing tolls, and leave the Liverpool town dues on the ground of property?—Certainly not. If they touch the one, they must touch the other.

3000. Mr. *Watson.*] Is there any similarity between taking a toll for entering a harbour and paying a toll for passing a harbour?—As regards payment, there is.

3001. As regards a ship passing a harbour some miles at sea, and a ship coming into a harbour, are they not two different things?—I see no difference, in this way: a flat coming down the Mersey, and going into the docks at Liverpool, for the purpose of putting goods on board an export ship, pays the dock rates, as I admit it must pay; but I say, as far as the Liverpool Corporation is concerned, they have done nothing; it is a passing toll upon those goods.

3002. Is that the same thing as a ship passing a harbour eight or ten miles at sea paying a passing toll?—I think so, as regards payment of dues.

3003. *Chairman.*]

3003. *Chairman.*] As a question of property it is the same?—Yes.

3004. Mr. *M. Gibson.*] In the case of a passing toll, the money is paid, is it not, in supporting a harbour that might be used by the ship as a harbour of refuge?—Yes.

3005. In the case of the Liverpool town dues, the money is not expended for any purpose whatever in which the tax payer has any interest?—Not a shilling; if it was laid out for the public good, I am satisfied that the people of Manchester would be willing to pay it. I am delighted with Liverpool, and the manner in which it is conducted; I say if they want more dock dues, I will give them with pleasure; it cannot be otherwise but for the benefit of Manchester to have the Port of Liverpool kept in very first-rate order.

3006. Mr. *Watson.*] With regard to new commodities which are brought in, is it your notion that if the toll was granted many years ago upon new commodities coming from countries which we did not trade with before, the toll ought not to be charged?—If they did not buy the right.

3007. Take for example guano from Ichaboe; there was no trade with Ichaboe at the time of that grant; do you contend that guano, as a new article, ought not to be charged with the toll?—So far as they did not purchase the right to tax guano.

3008. You think there could be no toll upon new commodities; would that embrace any new subject-matter, or articles brought in from new countries with which we did no trade before?—That would depend entirely upon how the purchase was made.

3009. I am talking of the toll being in the Crown, and belonging to the Crown before it was sold?—There is one thing very clear to me, that the Molyneux family, when they sold this property, never would have sold it at the price they did, if they thought they would have the right to do what you say, that is, to charge the rates upon everything; they would never have sold the property for the trifling sum they did, if they dreamt that they had a right to tax everything.

3010. Mr. *M. Gibson.*] Have you ever observed in the community in which you reside any indifference to what are called the rights of property; are not the people ready to acknowledge the rights of property?—I hope so.

3011. Yet you observe that they claim relief from these taxes?—Yes; they think they are not property.

3012. They do not look upon it in the same light as ordinary property?—Certainly not.

3013. Mr. *Horsfall.*] When you speak of 40,000 *l.* being paid as town dues by Manchester, you do not, I presume, mean to say that the produce and manufactures on which those dues were levied were imported and exported on Manchester account?—No; what I mean is this: Manchester is the market for the surrounding towns, and those goods for the most part which are exported to foreign countries are either manufactured in Manchester or the surrounding towns, and brought into Manchester for sale.

3014. In fact, do not you admit that the amount which is paid in the shape of Liverpool town dues, be it great or small, does not press upon Manchester individually, but falls upon the consumers of goods which are purchased in Manchester and elsewhere?—I have heard a question put before as regards a tax coming upon the consumer; we all know that these charges, however small, must fall upon the article, and the consumer must pay it at last. However I may state to the honourable Member for Liverpool, that it does not follow that the consumers of those goods in the United Kingdom should pay to the Liverpool people a certain sum of money; I admit that the consumer does pay it, but that does not give you a right to the tax.

3015. *Chairman.*] Have you in your possession any list of the town dues?—I have a list of the dues which was printed in 1842, and I believe they are right; and I find here, looking to what is called the right, that they claim in Liverpool to charge these dues. I am not a lawyer, and I do not profess to go into the question legally. I understand that they first claim them as a matter of right from purchase.

3016. Mr. *Horsfall.*] What is the book which you hold in your hand?—It is a book published in Liverpool, by the authorities of the Customs, A. Lowe, T. Sherlock, and J. Richards. I see here there is an extract, I presume, from the Minutes of the Council, wherein they claim the right as a prescriptive right. It says here, "At a Council held on the 2d December 1829, it was resolved, that for a period of five years (more), commencing the 5th of January 1830, the

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town dues on cow and ox hides from the East Indies, and on horse hides and tallow, as herein rated, are to be taken as a composition in lieu of all other town dues due by prescriptive right on those articles." It is not for me to say whether it is a prescriptive right, or by purchase, as it is alleged.

3017. *Chairman.*] Are you aware that in 1833 they set up a right by purchase, and not a prescriptive right?—I believe they have done so; but according to this book they seem to claim it as a prescriptive right. I say they have not a prescriptive right to do that which is wrong.

Lunæ, 2° die Junii, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Mr. Hardy.
Mr. Milner Gibson.	Mr. Horsfall.
Mr. Fenwick.	Mr. Watson.
Mr. Bouverie.	Sir John Duckworth.
Mr. Duncan.	Lord Hotham.
Mr. Moffatt.	Mr. Beamish.
Mr. Vance.	

THE RIGHT HON. ROBERT LOWE, IN THE CHAIR.

2 June 1856.

THE *Chairman* stated that he had received a letter from Mr. Lloyd, enclosing another letter from Mr. Holliday, with reference to some evidence given by Mr. Lloyd, commencing at Question 2156 and terminating with Question 2162.

[*The Letters were read as follows:*]

LOCAL DUES UPON SHIPPING.

Sir, Spark Hill, near Birmingham, 30 May 1856.

I ENCLOSE a note that I have received from Mr. Holliday, by which you will see that I had misunderstood his remarks upon the privileges of freemen of Liverpool. I presume that the most satisfactory course would be for that part of my evidence, which relates to the benefit derived by freemen from the non-payment of dues upon the goods forwarded from this district for shipment, to be struck out.

I beg to apologise for the trouble that has been given by a misconception on my part of the remarks of Mr. Holliday upon the subject.

I am, &c.
(signed) *Thomas Lloyd.*

The Right Hon. R. Lowe,
&c. &c. &c.
Chairman of Committee of Local Dues, &c.

Dear Sir, Birmingham, 27 May 1856.

I HAVE been absent from home for some time, and therefore did not get your letter.

I regret that you should have quoted me as an authority upon the question of the town dues, and the more so as you have misunderstood me, and therefore have misquoted me on the most important feature of the case.

The parties referred to were not forwarding agents acting for other parties, but merchants supplying goods on their own account, and therefore, I suppose, entitled to any advantages that a freeman shipping goods would obtain. I could give no evidence beyond the fact that I believe freemen are exempted from these dues, which is, of course, notorious. It would be a very great inconvenience for me to attend the Committee, and therefore I do hope that your explanation of having misunderstood me will enable the Committee to dispense with my attendance.

I am, &c.
(signed) *William Holliday.*

Thos. Lloyd, Esq.,
Spark-hill, Birmingham.

Spencer Shelley, Esquire, called in; and Examined.

S. Shelley, Esq.

3018. *Chairman.*] WHAT situation do you hold in the Treasury?—I am Senior Clerk of the Financial Department of the Treasury.

3019. Are you aware what sum was paid to Liverpool last year as compensation for differential dues, which once were levied on foreign ships?—The sum paid

paid in the year ending the 31st of December 1855, on account of pilotage was 7,129*l.* 18*s.* 6*d.*, and on account of anchorage, 19*l.* 1*s.* 6*d.*

3020. It was larger the year before, I think?—In the year 1854 it was for pilotage, 8,589*l.* 13*s.* 3*d.*, and for anchorage, 25*l.* 7*s.*

3021. Can you give the Committee any account of how that amount became payable to the Pilotage Board of Liverpool?—My knowledge of this matter is entirely restricted to the preparation of the Estimates for Civil Services. There is an item now inserted in the Civil Service Estimates, which formerly was charged on the gross revenues of Customs, it was, with several others, removed from the Customs by Mr. Gladstone's Bill in 1854, and instead of its being a charge on the gross revenues of Customs it appears on the Estimates for Services provided for by Votes in Supply; I can give a history of the whole arrangement in regard to differential dues from the commencement in 1819 down to the charge being put in the Estimates in 1854. It used to be paid out of the gross revenues.

3022. It did not appear before the House of Commons at all?—No, except in the finance accounts annually.

3023. Together with the charges for the collection of the revenue those charges are now placed?—The charges for the collection of the revenue are provided for in a special class of Estimates, but the charge for the differential dues is in the Civil Service Estimate, Class 7, which is coming on to-night.

3024. Will you state to the Committee how those charges arose?—An Act which received the Royal Assent on the 2d of July 1819, the 59th of Geo. 3, c. 54, contains certain provisions which I will read. It is called, "An Act to carry into effect a Convention of Commerce concluded between His Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal." Section 8 is, "And whereas by the aforesaid convention it is provided that no higher or other duties or charges shall be imposed in any of the ports in any of His Majesty's territories in Europe on the vessels of the United States of America than shall be payable in the same ports on British vessels: And whereas a similar provision was made in a treaty of amity, commerce, and navigation, concluded between His Majesty and His Royal Highness the Prince Regent of Portugal, dated the 19th February 1810: And whereas certain rates and duties, under the denomination of light duties, pilotage, ballast, buoyage, and beaconage rates, harbour duties and other dues, are now payable by law, charter, special privilege, or grant to the Corporation of Trinity House of Deptford Strond, to the Trustees of Ramsgate Harbour, to other bodies politic and corporate, and to sundry persons in whom such rates and duties may be vested respectively on foreign ships and vessels, over and above the rates of duties payable on British ships: And whereas it is expedient that the object of the said treaties should be effectually carried into execution; be it therefore enacted, that no higher or other rates or duties shall be levied on ships or vessels of United States of America or Portuguese vessels entering or touching at any of the ports of the United Kingdom, or of His Majesty's territories in Europe, than are now or may become hereafter payable on British ships." Section 9, "And whereas it is expedient that the said Corporation, Trustees of Ramsgate Harbour, other bodies politic and corporate, and sundry other persons in whom such rates and duties are vested respectively, should be indemnified for the loss sustained by means of this Act; but it further enacted, that the difference in such cases between the rates and duties due and payable on British ships, and those payable on foreign ships, shall be paid out of the consolidated duties of Customs; and for the more effectual security of the public revenue in respect of any claims which, in virtue of this Act, may be made, all and every such claim or claims shall be transmitted by the aforesaid Trustees, bodies politic or corporate, or persons interested, or their agent or agents, to the Corporation of Trinity House of Deptford Strond, who are hereby required to examine the same, and being satisfied as to the correctness thereof, are to certify the same accordingly under the hand of their secretary or other proper officer, together with such claim as the said corporation may have, to the Commissioners of His Majesty's Customs in London quarterly, for their order for the payment thereof, and the said Commissioners are hereby required to direct payment of such claims out of the consolidated duties of Customs to the said Corporation of Trinity House; and the said corporation are hereby required, after retaining what may be due as their right, to pay over to the trustees of Ramsgate Harbour, to other bodies politic and corporate, and to the sundry persons in whom such rates and duties may be vested respectively, the amount of their respective claims, subject only to such incidental or

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other charges as have heretofore been made in the collection of such rates and duties." Under that Act, not only were vessels belonging to the United States and to Portugal, but from time to time the vessels of other nations who came under treaties of reciprocity, were also exempted in the same way, and the charges were paid in the same way out of the consolidated duties of Customs. This went on up to the year 1838, when the Act of the 1 & 2 Vict. c. 113, was passed, called "An Act to amend the Laws relating to the Customs." Section 27 is in these words: "And whereas by an Act passed in the 59th year of the reign of his late Majesty King George the Third" (that is the Act to which I have just referred) "divers provisions were made respecting the duties payable, and the bounties and allowances to be granted upon the importation and exportation of goods, wares, and merchandize into or from the United Kingdom in vessels of the United States and in Portuguese vessels, and respecting the repayment to certain corporations, bodies politic and corporate, and sundry other persons, of the amount of the sums of money of which they would be deprived by means of the said Act, and it was thereby enacted, that the said Act should continue in force so long as the convention therein recited between his said late Majesty and the United States of America, and the treaty therein recited between his said late Majesty and his Royal Highness the Prince Regent of Portugal, and so long as any treaty to be made with any foreign power with the similar provision thereinbefore recited should respectively continue in force: And whereas subsequently to the enactment of the said recited Act Her Majesty and Her Royal predecessors have made and concluded with divers foreign powers treaties containing provisions similar to those recited in the said recited Act; and doubts have arisen whether, according to the true construction thereof, the said Act doth apply and extend to the trade and shipping of such other foreign powers, and it is expedient that such doubts be removed; be it therefore, and it is hereby enacted and declared, that from and after the ratification of any treaty heretofore made by Her Majesty or any of Her Royal predecessors subsequently to the enactment of the said Act or of any treaty which may hereafter be made by Her Majesty, Her heirs and successors, with any such foreign power, in which treaty has been or shall be contained provisions similar to those recited in the said recited Act, all and every the provisions, clauses, matters and things in the said recited Act contained, did and shall apply and extend to the trade and shipping of such foreign powers respectively, as fully and effectually, to all intents and purposes, as to the trade and shipping of the said United States, and of the said kingdom of Portugal." Section 28, "Provided nevertheless, and be it enacted and declared, that the said recited Act doth not extend, and shall not be construed to extend to, grant to, or to confer upon the trade or shipping of the said United States, or of the said kingdom of Portugal, or of any other foreign power, or to the subjects of such states or kingdom, or of any such foreign power as aforesaid, any other or greater advantage than such as shall have been stipulated for by and granted to the said United States, the said kingdom of Portugal, or any such other foreign power by the respective treaties subsisting and in force between them respectively and Her Majesty, her heirs and successors, or her royal predecessors, but that the said Act shall be so construed and applied as to give full and complete effect to such respective treaties, so long as the same shall respectively remain in force, and is to provide such, and only such indemnity as therein mentioned to such bodies politic and corporate, and other persons as are therein mentioned, for such losses as they shall respectively sustain by the execution of such respective treaties." Section 29, "And for the prevention of uncertainty herein, be it enacted, that it shall and may be lawful for Her Majesty, Her heirs and successors, by any order or orders, to be by Her or them made, with the advice of Her or their Privy Council, and published in the 'London Gazette,' from time to time, to declare what are the foreign powers with which any such treaty or treaties as aforesaid is or are subsisting; and this present Act, and the said recited Act, shall apply and shall be deemed from the time of the ratification of any such treaties to have been applicable to the trade and shipping of such foreign countries, and shall be so mentioned in any such Order or Orders in Council as aforesaid, so long as any such Order or Orders shall continue unrevoked, and no longer." Then, on the 11th of May 1847, the Act of the 10th of Vict., c. 27, was passed. It was called, "An Act for consolidating in one Act certain provisions usually contained, authorising the making and improving of Harbours, Docks and Piers." Section 31 is, "Provided always, that the rates chargeable by this or the special Act upon vessels

vessels not entitled to the privileges of a British ship, or upon goods imported or exported in such vessel, or upon persons not being British subjects, shall not be applicable to vessels belonging to countries with which treaties of reciprocity shall have been concluded, so long as such treaties shall continue in force, nor to the goods imported or exported therein, nor to the subjects of such countries, but during such period the same rates shall be levied upon the vessels of such countries, and upon the goods imported or exported therein, and upon the subjects of such countries, as may from time to time be payable under this or the special Act upon vessels entitled to the privileges of British ships, or upon goods imported or exported in such vessels, or upon the subjects of such countries." There was a further Act passed on the 30th of June 1852, the 15 & 16 Vict. c. 47, called, " An Act to enable Her Majesty to abolish otherwise than by treaty, on condition of reciprocity, Differential Duties on Foreign Ships." The marginal note is, " Where the trade and shipping of Great Britain have been placed in the ports of any foreign power on a footing of reciprocity, Her Majesty may issue an Order in Council, declaring the trade, &c., of such foreign power to have the benefit of the provisions of this Act, and thereupon the provisions of the 59 Geo. 3, c. 54, shall be applicable." Section 2d says, " It shall be lawful for Her Majesty, by Order in Council, from time to time to revoke any Orders in Council previously made under the authority of this Act;" those are the statutable powers under which the Treasury from time to time have issued orders, and the difference of dues between foreign and British ships under new treaties of reciprocity is paid when Orders in Council have been issued and published in the " London Gazette."

3025. How is the amount ascertained, and how are the payments made?—The amount is ascertained entirely by the machinery of the Trinity Board. It would require that you should have before you one of the officers of the Trinity Board, to explain, in detail, how it is done; practically all we at the Treasury know is, that the Trinity Board make the payments to the different parties; that they send quarterly to the Customs a statement of the amounts which they have so paid, and the Customs recoup the Trinity Board the sums so paid quarterly, sending to the Treasury a statement of those sums, and there is a vote of Parliament to reimburse the Customs duties; so that practically it is not paid out of the gross revenues, but out of a vote of Parliament for that special purpose. You are aware, that though the charges of the revenue departments are paid out of money voted in supply, in point of fact, they are still paid out of the revenue as it is collected, and it is set right by periodical claims from the Board of Customs to the Treasury for money out of the vote of Parliament, and the same thing applies to this vote for dues under the treaties of reciprocity.

3026. Is that all you know as to the authority for, and the manner of, paying the money under reciprocity treaties?—Yes, as regards the authority. I have charge of the preparation of the estimates, and of course I have to insert all the items in the estimates. We have to satisfy ourselves at the Treasury as to the proper amount to be inserted. Previously to 1854 we knew nothing at the Treasury of the amount paid out of Customs' revenue, beyond seeing it in the accounts under the head of " Charges other than Charges of Collection;" " Quarantine Expenses " was also another item of the same character.

3027. Can you give any information to the Committee as to the amount paid in different years under those Acts?—Yes; the aggregate sum paid from the commencement up to and including the year ending the 31st December 1855, is 981,630 *l.* 6 *s.* 6*d.*

3028. Mr. *Horsfall.*] Is that for the whole of the kingdom?—It is the whole sum paid under any of the provisions which I have read, as far as we know, up to the present time. It is a return prepared at the Custom-house, and laid before the House of Commons every year.

3029. *Chairman.*] Can you give the total amount in the different years?—Yes; beginning with 1855, and going backward, omitting shillings and pence. In 1855, 40,300 *l.* was paid. In the year 1854, 52,791 *l.* was paid. In the year 1853, 44,478 *l.* was paid.—In the year 1852, 41,857 *l.* was paid. In the year 1851, 39,022 *l.* was paid. In the year 1850, 32,326 *l.* was paid. In the year 1849, 28,580 *l.* was paid. In the year 1848, 34,291 *l.* was paid. In the year 1847, 33,915 *l.* was paid. In the year 1846, 33,780 *l.* was paid. In the year 1845, 28,726 *l.* was paid. In the year 1844, 27,061 *l.* was paid. In the year 1843, 25,754 *l.* was paid. In the year 1842, 24,998 *l.* was paid. In the year 1841, 31,041 *l.* was paid. In

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the year 1840, 34,313 *l.* was paid. In the year 1839, 32,572 *l.* was paid. In the year 1838, 25,777 *l.* was paid. In the year 1837, 24,288 *l.* was paid. In the year 1836, 29,156 *l.* was paid. In the year 1835, 25,827 *l.* was paid. In the year 1834, 23,701 *l.* was paid. In the year 1833, 24,700 *l.* was paid. In the year 1832, 23,859 *l.* was paid. In the year 1831, 29,792 *l.* was paid. In the year 1830, 19,482 *l.* was paid. In the year 1829, 25,386 *l.* was paid. In the year 1828, 20,450 *l.* was paid. In the year 1827, 25,481 *l.* was paid. In the year 1826, 30,068 *l.* was paid. In the year 1825, 18,729 *l.* was paid. In the year 1824, 8,402 *l.* was paid. In the year 1823, 9,044 *l.* was paid. In the year 1822, 11,583 *l.* was paid. In the year 1821, 10,899 *l.* was paid. In the year 1820, 9,204 *l.* was paid. So that it rises from 9,204 *l.* in 1820, to 40,300 *l.* in 1855; but in point of fact this return is made in an incorrect form; it is made for the sums actually paid within the year, so that I find this composition to the Hull Dock Company is put down a quarter short. It so happens that a quarter was paid subsequently to the 31st of December; the fixed sum is 6,333 *l.* 17 *s.* 5 *d.*; it happens that five quarters were paid in one year, and in the other year only three; the returns are made out according to the sums paid in the year, and not according to the sums due.

3030. Is there any cause at work to diminish those payments?—I have no personal knowledge upon that point.

3031. Have you any knowledge of the practice of Parliament with respect to private Bills?—No; I only know that one clause of the Act 10 Vict. c. 27, which I quoted, under the Standing Orders of the House of Commons, is invariably inserted in every Bill when a harbour company comes to the House for powers to extend or improve a harbour in any way; that is the clause which deprives them of the benefit of any differential dues, so that there shall be only one rate levied where there is a treaty of reciprocity.

3032. Whenever parties come to Parliament for fresh powers, it takes the opportunity of depriving them of the differential dues?—Yes, as long they do not come to Parliament they remain untouched.

3033. Is that under a clause in the general Harbour Act?—Yes, I quoted the clause.

3034. Can you state the payments which Liverpool has received, or when it began to receive any?—Liverpool began to receive in 1820; the Liverpool pilots in 1820 for pilotage received 1,249 *l.* 5 *s.* 9 *d.*; in 1821 they received 1,269 *l.*; in 1822 they received 1,539 *l.*; in 1823 they received 1,548 *l.*, and so it goes regularly on, till in the year 1854, when it reached 8,589 *l.*; in 1855 it rather fell off, it was 7,129 *l.*

3035. Mr. *Horsfall.*] When you speak of clauses depriving different parties of the right of levying these differential dues, do you mean preventing them from levying them for the future?—Yes; in the event of their coming to Parliament for any additional powers beyond those which they have.

3036. *Chairman.*] Is there any other information which you have to give to the Committee?—I wish to call the attention of the Committee to the mode of providing for these differential dues; formerly they were charged upon the gross revenues of customs, and never came in detail within the cognizance of Parliament; they merely appeared in a lump sum in the finance accounts laid before the House "for differences of duties levied on shipping." Now, inasmuch as every service for the kingdom connected with the collection of revenue, and all other charges whatever, are taken off the gross revenue, and are provided for by votes in supply, which brings them more immediately under the cognizance of Parliament, such a charge as this, in the case of an adverse vote in supply, would of course be put an end to for the year, as it was in the case of Maynooth, and many others I could mention. That was principally the reason, you are aware, why Sir Robert Peel took away the Maynooth vote from the Estimates and placed it on the Consolidated Fund.

3037. Mr. *Horsfall.*] In the one case it was considered right that Parliament should have the annual privilege of dealing with the fund, and in the other case that it should not; that is, that it should have the right of interfering with the differential dues, but not with a grant of money for a college?—I should like to mention that this Bill of Mr. Gladstone's, for removing the charges from the gross revenues to votes in supply, was most carefully considered by him; further, all the authorities upon which the different charges, which he proposed to remove, rested were carefully considered by a Committee of the House of Lords, which was appointed when the Bill went up to the House of Lords, upon a motion of Lord Monteagle, to investigate every charge, in order to see that nothing of a permanent

permanent character was put upon the Estimates, but charged upon the Consolidated Fund. That Committee of the House of Lords made many changes, and took off several charges which Mr. Gladstone intended should be placed upon the Votes in Supply, but did not touch this particular charge which was left upon Schedule B., and is therefore subject to a vote in supply.

3038. Mr. *Bouverie.*] Have any of the harbour authorities who appeared in the early times upon that list disappeared, in consequence of that clause in the general Harbour Act?—Several; I cannot tell you which they are, but the list has very much diminished; I have not turned my attention to that question.

3039. Can you furnish the Committee with a statement of them, and the amounts which they received previously to their disappearance?—Yes; the Trinity Board itself gave up several dues, which are mentioned in this Parliamentary Return.

3040. *Chairman.*] Will you state what those were?—It appears by this return, which was moved for by Mr. Wawn, that the Trinity House in the year 1820 received very large sums under four heads, Lights, Pilotage, Ballast and Trinity Dues. The lights in the year 1820 were 2,736*l.* 16*s.* 8*d.*, pilotage 279*l.* 19*s.* 10*d.*, ballast 49*l.* 3*s.* 4*d.*, and Trinity dues 418*l.* 2*s.*

3041. Mr. *Bouverie.*] Were those received in the way of differential dues?—Yes; those were monies issued by the Customs under the authority of the first Act which I quoted. In 1821, 1822, and 1823 they also received sums under those four heads. In 1824, it says, "relinquished in 1823," in this return laid before Parliament, and they never appear any more. The lessees of Small's Light also received large sums from 1820 to 1837, when those dues "ceased on the purchase of the Light by the Corporation of the Trinity House, London," that of course caused a diminution to that extent.

3042. Lord *Hotham.*] In what sense do you use the word "relinquished;" do you mean that the Trinity House gave up those charges?—I have no personal knowledge of that; it is the word used in the printed Parliamentary return.

Mr. *John Henry Butterfield*, called in; and Examined.

3043. *Chairman.*] YOU are a clerk in the Trinity House, I believe?—Yes.

3044. Can you describe to the Committee the process by which you ascertain what is payable under the Acts of Parliament to which the last witness has alluded?—The amounts are taken per ton in some cases, per foot, per tonnage of merchandize, and also per vessel.

3045. That is according to the tariffs under which they would be levied?—In some cases.

3046. Not in all cases?—Not in all cases.

3047. How are they ascertained, except by the tariffs?—There are certain cases, chiefly of pilotage, where it is so much per foot.

3048. How do you mean per foot?—So much draught of water.

3049. That is the tariff of the pilotage?—That is one tariff of the pilotage, but not in all cases. Pilotage is not always taken in that way; there are some isolated cases in which it is taken upon the tonnage of the vessel.

3050. How do you ascertain what those charges are?—By the various Acts of Parliament which have regulated those charges.

3051. Do you ascertain all that is paid?—Yes, the whole of them.

3052. What return is furnished to you upon that subject?—A return is furnished by the claimant, whoever he may be; for instance, at Liverpool there are three claims; there are two claims for pilotage, and one claim for anchorage, and the parties claiming or having authority to claim furnish us with a return of the presence of this vessel at Liverpool to justify the claim. We discover by reference to the filed sheets of our collector that the rates have been paid, and in cases where those vessels do not appear in our own accounts we refer to the collector at Liverpool to know whether such vessels were at Liverpool or not, and under what circumstances.

3053. Do you consider that you have a pretty efficient check upon those claims?—We have a most decided check upon them. No vessel can leave the port of Liverpool without the Light duties are paid, and in that case it must appear in our account, and if it is returned as being in ballast, which would not necessitate the entry in our account, then we take a certificate of the collector of customs that the vessel has been at Liverpool.

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3054. Do you pay the money yourselves?—Yes.

3055. Out of what fund?—That is paid out of a special fund of the Trinity House, and accounted for as "Claims on Customs."

3056. How do you get repaid?—By an application to the Customs. The accounts are certified quarterly to the Customs, and when the money is paid to the Trinity House, we then pay the accounts to the claimants.

3057. Mr. *Bouverie.*] With regard to verifying the claims and returns, is every claim carefully gone over with your own accounts?—Very carefully. I should say up to the 11th of December of last year they have been under the examination of one gentleman from the year 1825, and he was from that length of service perfectly master of the subject, and was exceedingly particular.

3058. So that you have no reason to suppose that there is more claimed than the parties are fairly entitled to claim?—No.

3059. Are any claims disallowed by the Trinity House?—Constantly.

3060. So that there is a disposition on the part of persons to claim more than they are entitled to, which you are able to check?—There are errors on both sides; there are surplus errors and minus errors.

3061. Mr. *Horsfall.*] You are not aware of any fraudulent intention?—Not in the least.

3062. *Chairman.*] Has the Trinity House itself given up any claim to payment, in compensation for differential dues?—I believe largely.

3063. Are you acquainted with the circumstance under which that was done?—I am not acquainted with the circumstances under which they gave up those particular claims; I did not understand that I should be required to give the Committee any information with regard to the Trinity House having given up claims. I can furnish the Committee in detail with the number of claims which have been relinquished, but under what circumstances they have been relinquished, I am afraid I am not at present in a condition to say. Formerly, there was a claim at Aberdeen for harbour dues; the Treasury had power, under the 10th of Geo. 4, c. 34, to abolish extra dues, and those dues were abolished by a Treasury letter of the 31st of March 1849. Then, again, with respect to the Burnham Light, there used to be a claim for the Burnham Light; that is now in the possession of the Corporation of the Trinity House, and the dues collected upon the Burnham Light are applied to the general maintenance of lighthouses, under the Mercantile Marine Act, and so with the Smalls, Spurn, and others.

3064. Mr. *Bouverie.*] Can you state to the Committee what heads of claim you have altogether; how many varieties of claim are there at the present time?—There are harbour dues, pilotage dues, ballast dues, tonnage dues, Cumray light dues, anchorage, mooring dues, town dues, hostman's dues, and Trinity light dues; that is to say, lights under the direction of the Trinity House of Newcastle and the Trinity House of Hull. Those are the different charges.

3065. Mr. *Watson.*] Those are under various Acts of Parliament, are they not?—Yes, those are under various Acts of Parliament.

3066. Sir *John Duckworth.*] Can you state the amount of compensation which was paid to Liverpool in 1855 for town dues?—There is no claim for town dues; there is a claim for anchorage, and two claims for pilotage for two different distances.

3067. Are there no differential town dues at Liverpool?—No, I believe not.

3068. Mr. *Bouverie.*] There are no town dues claimed?—I am not even aware that there are any differential town dues at Liverpool; at Hull there are town dues.

3069. Can you prepare a return of compensation paid last year, distributing it under the various heads you have stated, showing the relinquishments and the circumstances under which the relinquishments took place?—Yes.

Vide Appendix.

Henry Bremner, Esq., called in; and Examined.

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3070. *Chairman.*] I AM informed that you are anxious to give evidence to the Committee in favour of the retention of the payment of compensation for the differential dues on pilotage?—Yes.

3071. Mr. *Hardy.*] What are you?—I am solicitor to the pilots at Liverpool.

3072. *Chairman.*] Will you make any statement which you wish to lay before the Committee?—The first Act of Parliament passed for the regulation of the pilots of Liverpool was the 6 Geo. 3, in 1765; the preamble states, "Whereas the entrance into the port of Liverpool is very dangerous without a skilful pilot, and many ships and lives

lives have of late years been lost, owing to the negligence and ignorance of persons taking upon them to conduct ships and vessels into and out of the said port;" and one of the clauses at p. 131 of the statute is, "And whereas ships or vessels belonging to aliens or the subjects of foreign nations frequenting the port of Liverpool usually draw little water in proportion to their burthen; be it therefore enacted by the authority aforesaid, that the following and no greater rates or prices shall be demanded or taken for the piloting or conducting of any such alien ship or vessel into or out of the said port; that is to say, for piloting or conducting any such ship or vessel into the said port during the winter season (such season to be computed as aforesaid), the sum of 10*s.* a foot for every foot of water such ship or vessel shall then draw; and for piloting or conducting any such ship or vessel out of the said port during the said winter season, the sum of 7*s.* a foot for every foot of water such ship or vessel shall then draw; and for piloting or conducting any such ship or vessel into the said port during the summer season (such summer season to be computed as aforesaid), the sum of 8*s.* a foot for every foot of water such ship or vessel shall then draw; and piloting or conducting any such ship or vessel out of the said port during the said summer season, the sum of 5*s.* a foot for every foot of water such ship or vessel shall then draw, and so in proportion for half a foot of water, in any of the cases aforesaid; but no allowance to be made for odd inches above or under half a foot."

3073. Are you aware whether those charges were higher or lower than the charges then collected from English ships?—They were higher than the charges then collected from British ships. The next Act of Parliament is the 37 Geo. 3, c. 78; in 1797, by the 19th section of that Act, the differential due is continued payable by alien ships: "And whereas it is expedient that ships or vessels belonging to aliens frequenting the port of Liverpool should be charged with higher rates than the before-mentioned rates of pilotage; be it therefore enacted, that the following and no greater rates or prices for the piloting or conducting of any alien ship or vessel, into or out of the said port, shall be demanded or taken (that is to say) for piloting or conducting any such ship or vessel into the said port not less than 9*s.*, nor more than 12*s.*, for every foot of water such ship or vessel shall draw, and so in proportion for every half foot of water in the cases aforesaid, but no allowance whatever shall be made for any draught of water above or under half a foot; and for piloting or conducting any such alien ship or vessel out of the said port of Liverpool not less than 6*s.*, nor more than 8*s.*, for every foot of water such alien ship or vessel shall draw, and so in proportion for every half foot of water, but no allowance shall be made for any draught of water above or under half a foot." So matters continued under that Act until the year 1824, when the 5th of Geo. 4, c. 73, was passed.

3074. Mr. *Watson.*] Is that the Liverpool Pilotage Act?—Yes, it is the Act of Parliament under which the present Pilotage Commissioners act. It is intituled, "An Act for the better regulation and encouragement of pilots, for the conducting of ships and vessels into and out of the port of Liverpool." The 21st section of that Act says, "And whereas it is expedient that ships or vessels belonging to aliens, frequenting the port of Liverpool, should be charged with higher rates than the before-mentioned rates of pilotage; be it therefore enacted, that the following and no greater rates or prices, for the piloting or conducting of any alien ship or vessel into or out of the said port, shall be demanded or taken; (that is to say) for piloting or conducting any such ship or vessel into the said port, not less than 9*s.*, nor more than 12*s.*, for every foot of water such ship or vessel shall draw, and so in proportion for every half foot of water in the cases aforesaid, but no allowance whatever shall be made for any draught of water above or under half a foot; and for piloting or conducting any such alien ship or vessel out of the said port of Liverpool, not less than 6*s.* nor more than 8*s.* for every foot of water such alien ship or vessel shall draw, and so in proportion for every half foot of water, but no allowance shall be made for any draught of water above or under half a foot: provided always, that in case any ship or vessel belonging to aliens bound to the port of Liverpool shall not be piloted or conducted by one of the pilots, so to be licensed as aforesaid, from the distance of the Great Ormshead, on the coast of Wales, then not less than 8*s.* nor more than 11*s.* for every foot of water such ship or vessel shall draw, shall be demanded or paid for such pilotage, and so in proportion for every half foot of water in each of the cases aforesaid, but no allowance shall be made for any draught of water above or under half a foot." Those are the same rates as in

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the previous Act of Parliament, except that if the pilotage were within the distance of the Great Ormshead, it was 1*s.* per foot less than the previous Act; that is the Act under which the present Pilotage Commissioners act. By the latter Act the mayor, aldermen, bailiffs and common councilmen of the Borough and Corporation of Liverpool, and certain gentlemen therein named, being merchants and late commanders of vessels, were appointed Commissioners to carry the Act into execution.

3075. Mr. *Horsfall.*] How is the Pilotage Committee appointed?—Since the passing of the Municipal Corporations Act, 41 councillors are annually elected by the council to fill the office of Commissioners in lieu of the former mayor, aldermen, bailiffs, and common councilmen. When vacancies occur amongst the other Commissioners a public meeting of the whole body of the Commissioners is called, and the vacancies are supplied by other merchants or late commanders of vessels. The Commissioners appoint 13 of their body as a committee, who are elected for three years to carry the Act into operation. Annexed is a list of the present Commissioners:

LIST of COMMISSIONERS of PILOTAGE for the Port of *Liverpool,* 1 June 1856.

Marked thus * are the Committee, (13).

List of Commissioners not of the Council.

Aikin, James.
Alexander, William.
Atkinson, George.
Aikin, John.
*Boyd, Andrew.
Booth, Thomas.
Bateson, James.
Benn, Robert.
Brocklebank, Ralph.
*Brice, William.
Bushby, Joseph.
*Blyth, Thomas Martin.
Cragg, John.
Crosthwaite, John.
Clint, John.
Cropper, John.
Chapman, Henry Cleaver.
Cannon, David.
Cornish, Joseph.
Crawford, John.
Dixon, William Swan.
Durant, Alexander.
Davies, John.
*Dawson, Ralph.
Earle, William.
Evans, Eyre.
Faulkner, Edward D.
Fletcher, Jacob, Jun.
Fletcher, Caleb.
Fletcher, Thomas.
Fisher, William, Sen.
Fisher, William, Jun.
Freme, William Purser.
Grant, George.
Gibson, William.
Gibb, Duncan.
Harvey, Robert E.
Horsfall, Thomas B.
Henry, Alexander.
*Houghton, R. W.
Imrie, William.
Johnson, John.
Jenkins, Charles.
*Jacob, Wensley Tyrrell.
*Kneeshaw, Richard.
*Kendall, George.
Lee, Thomas.
Laffer, Henry.
Logan, James.
Moore, Thomas.
Matthie, John.
Murray, Thomas.
Molineux, James.
*Mann, William.
Macauley, Kenneth.
Morris, Thomas.
Martin, Samuel.
Morral, Cyrus.
*Mondell, Joseph.
Nicholl, William.
*Potter, William.
Prowse, William.
Parker, Charles S.
Quayle, George.
Ritson, James.
Rotherham, William.
Richardson, John, Jun.
Rowett, William.
Robinson, Thomas Rowlandson.
Rankin, Robert.
*Shand, Francis (Chairman).
Shand, John.
Stewart, Henry A.
Stott, Samuel.
Sandbach, Wm. Robertson.
Shand, Alexander.
Saunders, Charles.
Theakstone, Robert.
Tobin, Thomas.
Tayleur, Charles.
Trotman, Simon Lee.
Tyrer, James.
Williams, Charles W.
*Worrall, John.
Yates, Joseph Brooks.
Yates, Richard V.

List of Commissioners appointed by the Council.—Elected 1 January 1856.

Aikin, John.
Anderson, Thomas D.
Bennett, William.
Brancker, John B.
Beckwith, Richard M.
Clint, Francis A.
Cooper, Joseph.
Crosthwaite, Daniel.
Dover, Thomas.
Gregson, Matthew.
Gardner, Richard C.
Gladstone, John, Jun.
Godfrey, Thomas.
Hall, Bernard.
Holme, Samuel.
Haydock, Roger.
Hornby, Hugh.
Holt, George.
Halhead, Hilton.
Hodson, Thomas L.
Holden, Oliver.
Kitchen, Joseph.
Jeffreys, Walter P.
Lawrence, John.
Lawrence, James.
Lloyd, John B.
Littledale, Thomas.
Moore, John B.
Mellor, Samuel M.
McGuffie, John R.
Nicholson, William.
Parker, James.
Preston, William.
Picton, James A.
Robertson, James.
Stewart, John.
Sheil, Richard.
Toulmin, Thomas.
Turner, Charles.
Wagstaff, Thomas.
Woodruff, John.

3076. Will you state to the Committee the gross amount received from pilotage rates in Liverpool during the last 10 years?—The gross amount received from pilotage rates in Liverpool during the last 10 years is 556,995 *l.*, omitting shillings and pence, averaging 56,995 *l.* per annum.

3077. Can you state the amount of alien pilotage?—I am afraid, from the statement which has been made by the first witness, who was examined this morning, I am not quite correct, but I shall be very near it; the amounts received from the Consolidated Fund under reciprocity treaties, during the last 10 years, have averaged 6,153 *l.*, but during the last five years they have averaged 7,332 *l.*

3078. *Chairman.*] What is the total for the 10 years?—The total for the 10 years is 61,530 *l.* 12 *s.* 1 *d.*, averaging 6,153 *l.* from the Consolidated Fund, and 511 *l.* per annum from the unprivileged vessels. I am afraid there is some little discrepancy between myself and the former witness, but I derive this statement from official documents in the office.

3079. Mr. *Horsfall.*] Were those facts which you have now stated to the Committee brought out before the Shipping Dues Commissioners at their meeting in Liverpool?—No; when Her Majesty's Commissioners held their sitting at Liverpool, I attended for the purpose of ascertaining whether any inquiry whatever would take place with regard to pilotage rates, and Mr. Colin Blackburne, one of the Commissioners, informed me that they were especially excluded from their consideration. I retired, and nothing was said about pilotage or differential dues before them.

3080. After refusing to hear any evidence upon the subject, did the Commissioners make any report upon it?—We did not tender any evidence.

3081. After getting the answer which you have mentioned, did the Commissioners report upon the subject?—They did; the Commissioners, at page 11 of their Report say, "The expediency of levying the necessary amount of revenue by any particular species of due or toll in preference to another depends in general on the particular circumstances of the trade on which it is charged, and of the harbour in which it is levied. But there are some charges which seem to us to be in their nature so impolitic that they may practically be called unjust in principle; these are: 1. Dues and tolls connected with exclusive privileges; 2. Differential dues and tolls and exemptions. These are charges, the policy and justice of which are not dependent, in our opinion, on any local circumstances; they are generally bad in principle. We therefore submit to your Majesty some remarks on each of the two classes of charges." Then in page 14 they say: "We have already stated that, in our opinion, local differential dues and tolls on foreign vessels or their cargoes when actually levied are valueless for the attainment of any national object, while they excite the jealousy of foreign nations, and tend to interrupt the natural course of trade. We submit to your Majesty that charges of this description are objectionable in principle, and when by the joint operation of the Reciprocity Acts, and of Treaties or Proclamations of Reciprocity, these dues and tolls are payable out of the Exchequer, such dues and tolls are, in our judgment, unjust, because they constitute a charge on the public, in return for which the public derives no benefit whatever." When they come to the question of differential dues they say at page 40 of the Report: "Differential dues or tolls charged only on foreign vessels, or on goods carried in such vessels. We have already explained the manner in which all foreign privileged vessels have been relieved from the payment of dues and tolls of this description. The effect, in substance, is to commute the differential dues leviable on privileged foreigners (that is, practically, on almost all foreigners) into an annuity payable by the Treasury, the amount of which depends on the number of privileged vessels entering the harbour. Where such an annuity belongs to a private individual or trading company, it is not just to abolish it without compensation."

3082. Are the Committee to understand that the Shipping Dues Commissioners made that Report without taking any evidence whatever on the subject?—In Liverpool they did not take any.

3083. Have you anything further that you wish to state to the Committee?—Yes; I may state that the Right honourable Chairman, in his speech when he introduced the question, if I may be allowed to quote it, after referring to the differential dues claimed by municipal corporations, which he said he proposed

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posed to abolish without granting compensation, stated, "The remaining 29,245*l.* is due either to persons in reward of services rendered (as in the case of pilots, who are entitled to compensation for the higher fees they would have been entitled to charge on the principle of differential duties against foreigners), or to persons whose property in these dues has come down to them by regular and notorious descent; these persons are entitled to compensation, but not out of the Consolidated Fund." Then he says, "In the present case, however, we are of opinion that powers should be granted enabling the parties to raise their general rates upon all shipping, British and foreign, so as to indemnify themselves for the loss they will sustain; our assumption being that the individual is entitled to compensation, while the corporation is not." By the Bill which the right honourable gentleman introduced he did not carry that principle to its full extent, for after abolishing by the 26th clause differential dues and exemptions, by the 28th clause he said, "All such pilotage, authorities, and other bodies corporate, bodies of persons, and persons as have heretofore been entitled to differential taxes or rates or to compensation therefor, in return for services rendered to the owners of ships, or of goods carried therein, may indemnify themselves for the loss of such differential taxes and rates, and of compensation therefor, by raising their taxes and rates on all ships and on goods carried therein, by such amount as will produce a sum equal to the average annual amount received by them as differential dues as compensation therefor during the ten years ending the 31st of December 1855, or equal to such less sum as will enable them to perform the said services." If the pilotage authorities thought that the service could be performed for a sum less than they were then getting, it would be only an enabling power to raise it, and not a compulsory one. Then by the 29th clause, the Board of Trade would have the power of refusing their sanction if the pilotage authorities had agreed to raise it.

3084. If any previous witness has stated to this Committee that the Corporation of Liverpool derive any pecuniary benefit from the pilotage rate, I presume you can state from your own authority as solicitor to the pilots, that that statement is quite incorrect?—Quite; the Corporation of Liverpool do not receive a farthing from the Pilotage Commissioners.

3085. *Chairman.*] The sum is paid over to the Pilotage Commissioners?—The sum is paid over to the persons appointed to receive the pilotage; the corporation do not receive one penny of benefit. The first witness alluded to two parties in Liverpool making claims for alien pilotage; there are two gentlemen who collect the receipts for the 12 boats; the pilotage receipts are collected by them from the different owners or consignees of vessels who have been charged with the pilotage.

3086. Who receives the payment out of the Consolidated Fund?—Those two parties who make the claims, Mr. Leece and Mr. Hampson.

3087. How are they authorised to do it?—They are collectors appointed to receive the pilotage receipts.

3088. Appointed by whom?—Appointed by the Pilotage Committee.

3089. They are the agents of the Pilotage Committee to receive this money?—They are the agents for the pilots; they are nominated by the pilots, I believe, and sanctioned by the committee.

3090. When they receive this money what do they do with it?—Another witness will explain how the money is received and distributed.

3091. Mr. *Beamish.*] None of the money goes to the corporation?—Not a farthing.

3092. Mr. *Watson.*] It is distributed amongst the pilots?—Yes.

3093. *Chairman.*] If this sum was not paid out of the Consolidated Fund, is it your opinion that it must be deducted from the salaries of the working pilots?—It must; it would reduce their incomes 34*l.* per man per annum; that is, if all the alien pilotage were abolished.

3094. Is there no other source from which it could be taken?—No.

3095. What do you say to the sums received by the owners for their boats?—It would reduce the owners in like proportion; the result of the evidence is, that supposing Parliament should choose to abolish differential dues, and the amount at present received from the Consolidated Fund and from foreign and unprivileged vessels, it should be compulsory, we consider, upon the pilotage authorities, and not

not merely an enabling power, to raise the rates to make a sum equal to what they have received for the last 10 years.

3096. Mr. *Bouverie.*] Why is it necessary that it should be compulsory; assuming that you could do with less, why do you want more than an enabling power?—For the reasons stated by the Commissioners they would be entitled to compensation, and also as was stated by the right honourable Chairman in his speech.

3097. *Chairman.*] Supposing the trade of the port were to fall off, so that the same number of ships did not come to it, would you then say it should be compulsory to raise the rate?—Yes, for this reason, although the trade of the port has increased during the last five years, the remuneration to the pilots has decreased.

3098. Mr. *Watson.*] It is a long pilotage, is it not?—It is 60 miles from the mouth of the river.

3099. The pilot goes to Holyhead?—Yes.

3100. *Chairman.*] Are you of opinion that the pilotage at Liverpool is economically managed?—I am.

3101. Mr. *Milner Gibson.*] Is the pilotage compulsory; are there any exemptions from pilotage upon ships?—It is compulsory upon all vessels to take pilots at the port of Liverpool, except coasters in ballast or under 100 tons.

3102. Mr. *Moffatt.*] Are all steam-vessels compelled to take pilots?—No; by a late regulation confirmed by an Order in Council in January 1854, steamers are not now compelled to take pilots; that reduced the pilotage about 4,000*l.* a year.

3103. Mr. *Bouverie.*] Is that regulation under the Mercantile Marine Act?—No, it was a change made by the Pilotage Committee themselves, sanctioned by the Queen in Council.

3104. Mr. *Horsfall.*] I presume you consider that depriving the pilots of the amount which they now receive from the Consolidated Fund in lieu of these differential dues would be a breach of faith?—I do.

3105. Mr. *Milner Gibson.*] You say that you have exempted steamers from compulsory pilotage; supposing that exemption from compulsory pilotage were to be extended further, would that be a breach of faith with the pilots?—Yes; the one was voluntary and the other would be compulsory; the reduction on steamers was voluntary.

3106. How do you mean that it was voluntary?—It was agreed to voluntarily; the change was made by the committee with the sanction of the pilots, and was afterwards confirmed by the Queen in Council.

3107. Do you think that no exemption can be granted with justice from pilotage without the consent of the pilots?—No; I do not think with justice it could be.

3108. Have the pilots a vested interest in the shipping of the nation?—They have a vested interest in the Act of Parliament under which they have provided the boats. You will learn from subsequent witnesses that the pilots themselves provide the boats by which the service is carried on, and all the materials necessary, and in return for that, they are allowed by Act of Parliament certain prices for pilotage.

3109. Mr. *Watson.*] I presume the compulsion is for the benefit of the port, that there should be experienced persons to bring ships in, so that they should not be wrecked, and make an obstruction to the port?—Yes; the underwriters would not pay, if a vessel got on shore without a pilot.

3110. Mr. *Moffatt.*] When you state, that the relinquishment of the right to pilot steamers in and out of Liverpool was voluntary, do you mean to say that the pilots or their committee volunteered to relinquish that right?—Yes, they did.

3111. It was not through any pressure, compulsion, or representation made to them, but they volunteered to do it themselves?—Of course conferences took place between the pilots and some of the steam-boat owners, which eventually ended in the pilots proposing the change, which was confirmed by the committee, and was afterwards confirmed by an Order in Council.

3112. Were you cognizant of those negotiations?—I was.

3113. Can you inform the Committee whether there was not a strong pressure put upon the pilots, who, for a long time, stoutly contested their right to pilot steamers in and out Liverpool, from Dublin and other ports?—A great number did.

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3114. Was not it with very great reluctance that that right was right was given up on their part?—Many of them gave it up with very great reluctance.

3115. Mr. *Horsfall.*] I presume they felt that they were making a concession in doing so?—Yes, they did, to the extent of 4,000 *l.* a year.

3116. Mr. *Bouverie.*] Are the pilotage rates charged at the maximum?—They are.

3117. Have they been so since the Acts of Parliament were respectively passed?—They always have been so.

3118. Are you the solicitor to the Pilotage Board?—No, only to the pilots themselves.

3119. *Chairman.*] I understand you to be of opinion, that if any class of men get a benefit under an Act of Parliament, and that benefit be withdrawn, they are entitled to compensation?—I am.

3120. Mr. *Fenwick.*] Are you aware of any more recent instance than that of the steam-boats, in which an exemption has been granted from pilotage throughout the whole of England?—I am not aware.

3121. Mr. *Bouverie.*] Is there any local authority having power to diminish the rates under the Act of Parliament; have the Pilotage Commissioners the power to do so?—The maximum and the minimum are both limited.

3122. It has always been worked at the maximum?—It has.

3123. Mr. *Vance.*] Is not there a clause in the Mercantile Marine Act exempting coasting steamers from the necessity of taking Liverpool pilots?—The masters of steam vessels may apply to the pilotage authorities in Liverpool for examination; and if they are refused, they may apply to the Board of Trade for a certificate.

3124. Under the authority of that Act?—Yes.

3125. *Chairman.*] Are you aware whether that has been done?—Three parties, I understand, have applied to the pilotage authorities in Liverpool, who have each been refused a licence.

3126. Are you aware that one of those was the master of a steamer trading from Dublin to Liverpool, who had piloted his vessel in and out of Liverpool for 15 years?—Yes.

3127. He was refused a licence by the Pilotage Board?—He was.

3128. Mr. *Horsfall.*] Are you aware that the pilotage committee referred the case to the Board of Trade, and the Board of Trade would not take the responsibility of licencing him?—As, I understand, the pilotage committee sent up the questions which they had propounded to the witness, and the answers he gave, when he applied to them, that the Board of Trade might judge whether the examination was conducted in a fair manner or not.

3129. That evidence being before the Board of Trade they have not licensed that party?—No.

3130. Mr. *Moffatt.*] How long has that evidence been before the Board of Trade?—I am not aware.

3131. Mr. *Bouverie.*] Who has the power to bring the pilotage charges down to the minimum?—The Pilotage Commissioners.

3132. Have they ever investigated the matter with a view to reduction at all?—I am not aware.

3133. There has never been any inquiry into the cost of the pilotage service, with a view to putting it at the lowest figure?—Not since I have been connected with the service.

Mr. *John Shepherd*, called in; and Examined.

Mr. *J. Shepherd.*

3134. *Chairman.*] YOU are First Master of No. 4 pilot-boat, I think?—Yes.

3135. How long have you been in the service?—Thirty-eight years.

3136. Twenty-eight years master pilot?—Twenty-eight years master pilot.

3137. You attend here to give some evidence against the proposal to withdraw the payment out of the Consolidated Fund to the pilotage in Liverpool, do you not?—I propose to confine myself to the practical working of the service.

3138. That is the view you come here with?—Yes.

3139. Mr. *Horsfall.*] Will you be so good as to state the ground over which the pilotage extends?—The ground of the pilots of the port of Liverpool extends from the River Mersey to the Middle Mouse off the Isle of Anglesea, which is nearly

nearly 15 miles to the eastward of Holyhead, being about 43 miles of lineal distance, and it extends to the harbour of Whitehaven, including Morecombe Bay northwards, a distance of 60 miles from the mouth of the river; also all the ports in the Isle of Man.

3140. What is the number of the Liverpool pilot boats?—The pilot boats are 12 in number. The service consists of 24 masters, 171 journeymen pilots, 42 licensed apprentices, and 64 unlicensed.

3141. Will you state to the Committee what are the duties of the boats?—Six boats at sea; two cruising off the Middle Mouse and Point Lynas; one to the east of Point Lynas; one off the Ormsheads; and two at the inner station, guarding the entrances to the port.

3142. Will you state one of the great advantages of those pilot boats being out in the way you represent?—The pilot boats on their several stations are as so many floating beacons, indicating to coasting vessels and steamers their proper course, thereby enabling them to proceed on their course in doubtful weather towards the entrance of the port. The pilot boats being thus stationed in the track of steamers and other vessels, are continually in danger of being run down or receiving damage; this incurs great risk of life to the crews of the boats.

3143. What is the average time of each cruise?—The average time of each cruise is about 15 days. The mode in which vessels are boarded in the open sea is from punts in moderate weather, and from the boats in stormy weather; frequently pilots have to jump from their boat into the ship, at the risk of their lives; some have lost their lives in this way. The difficulty in boarding foreign vessels is, of course, very much increased by reason of their crews not understanding the English language, and thereby not being enabled so to place their vessels in proper positions.

3144. Sometimes you have been unable to board altogether; what course do you pursue in such a case?—Such has been the difficulty in boarding that the pilot boat has frequently had to lead them into port, not being able to put a pilot on board at all. The difficulty of navigating them is also greater, for the same reason, and accidents frequently occur in consequence, over which the pilot has no control, he having frequently to take the helm himself and to carry out his own orders.

3145. That increases not only the difficulty, but the responsibility?—Yes, it increases not only the difficulty, but the responsibility. Actions have been brought against pilots for damage done to foreign vessels when the accident has arisen solely from the inability of the foreign crew to carry out the pilot's orders.

3146. I presume the pilots are subject to heavy penalties if they do not proceed to sea when they are ordered?—Yes; the master pilots are compelled to proceed to sea with their boats and crew in most tempestuous weather, by day or night, in all seasons, and are subject to heavy penalties if they refuse, and the boats have gone out on many occasions when the sea-going steamers have remained weather-bound in port.

3147. *Chairman.*] What is the crew of each boat?—The crew of a boat is two masters and 17 licensed pilots, some of whom are apprentices.

3148. Ten apprentices?—No, about six; it will average from three to four licensed apprentices, and six unlicensed apprentices.

3149. Besides the 17 men?—Yes.

3150. Lord *Hotham.*] When a pilot boat goes out, how many men go in her?—They go out averaging 18 licensed pilots and apprentices.

3151. How many men does she take in going out to sea?—The crew will be about 23 in the whole.

3152. Mr. *Horsfall.*] Will not the crew in a great measure depend upon circumstances?—Some may be on board outward-bound ships; when the boat is full manned there will be about 23.

3153. Mr. *Moffatt.*] What is the tonnage of your pilot boats?—The average tonnage is 80 tons, but there are boats building which will be about 100 tons; there are two or three building of 100 tons and more; the average build is 80 tons at present.

3154. *Chairman.*] Are there three masters to each boat altogether?—Two; there is one termed a third master, in case of illness or other matters that might occur to prevent one of the masters being unable to attend his post; he is selected by the committee.

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3155. Is he paid as the other two are; do they take it in turn?—No.

3156. He stays on shore?—He goes in the boat and comes in with the vessel, the same as other journeymen.

3157. Is he paid as a journeyman or a master?—The third master is paid as a journeyman.

3158. The third master is paid as a journeyman?—Yes.

3159. Is the third master part owner of the boat?—Most of them are.

3160. You are the master of one of those boats; you are first master of No. 4, are not you?—Yes.

3161. What is the tonnage of your boat?— Seventy-four tons.

3162. What did she cost building?—£. 2,100.

3163. Do you know what the insurance upon her is?—I am not certain as to that.

3164. What do you pay for repairs annually?—The repairs themselves will average 200*l.* I am not prepared to go into a financial statement.

3165. Are you proprietor of half the boat?—No.

3166. How much of it?—Twelve sixty-fourths.

3167. What did you give for them?—I bought them at different times; about 1,400*l.*

3168. Mr. *Watson.*] For your shares?—For the whole of my shares.

3169. *Chairman.*] What does that boat bring you in a year; what interest upon that 1,400*l.*?—I can speak as to myself individually; upon an average from 7 to 9 per cent.

3170. Mr. *Moffatt.*] How much is your annual money income from that boat at present?—I receive my pay first as a journeyman.

3171. How much do you receive from that boat?—I have no statement; the financial statement I left to my colleague, Mr. Hughes.

3172. Cannot you inform the Committee how much you received last year as your share of the earnings of that boat?—About 9*l.* per cent.

3173. Mr. *Beamish.*] How long was that boat built when you purchased her?—I was interested in the boat preceding her.

3174. She was a new boat when you bought the twelve sixty-fourths?—Yes; I superintended the building of her.

3175. You paid 1,400*l.*?—Yes, for the old boat.

3176. Is that the boat which cost 2,100*l.*?—The new boat cost 2,100*l.* My first purchase was the old boat. I paid for the old boat 1,400*l.* I bought her at different times, just as I saved the money out of my own earnings.

3177. Lord *Hotham.*] Does the 7 to 9 per cent. include the payment for your work as a pilot?—No; I receive a share similar to a journeyman's share.

3178. And the 7 to 9 per cent. for the outlay of your money?—Yes, the money I have invested.

3179. *Chairman.*] Supposing you were to die, who would your share of the boat go to; would it go to your executors and to your children, or would it be lost at your death?—In 12 months from my death it would be put up by auction amongst the pilots, and whoever has money, or is disposed to purchase, gets it.

3180. The money paid goes to whom?—That goes to my family.

3181. Mr. *Watson.*] There is a good deal of wear and tear in a boat?—Yes.

3182. You are out all weathers at sea I suppose?—Yes, we are compelled to have them found with the best material; I would not presume to go to sea having them found in any other way, in the winter season the weather is so uncertain on our coast.

3183. Are they cutters?—Mine is a cutter.

3184. Mr. *Horsfall.*] I think, if I understand you, the owners of an old boat rebuild a new one every 10 years, or about that, do they not?—About 10 to 15 years; there is now one that is only 10 years old, and there is a new one building at Ipswich in her stead.

3185. Mr. *Watson.*] Supposing there were two ships at sea, an English ship and a foreign ship of equal size, which would you take soonest into Liverpool, the British ship or the foreign ship?—According to our regulations I should be compelled to take the one nearest to me; as a matter of choice, under the present rate of pilotage, I would prefer the foreign ship, because she would pay me more money.

3186. Supposing

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3186. Supposing they were at an equal rate, which would you prefer?—The English vessel, where I could do my work better; it is more easy to pilot with an English crew who can understand you.

3187. Mr. *Horsfall.*] You feel much more responsibility in bringing in a foreign vessel with a crew who do not understand you?—Yes; I have been on board a foreign ship in a thunderstorm, approaching the bar; it was thundering and lightning and raining; there was then a calm; the crew were so frightened they would let go the topsail halyards, and had it not been that a breeze immediately arose she would have gone ashore on the Burbo Bank; it was a Spanish ship called the "Commercia;" the crew did not understand me, and would not understand me, till the rain was over, when I got the ship to an anchor; I was obliged to let go the topsail halyards myself, and let the sails remain loose while she was at anchor, and they might have blown away, as the crew stowed themselves away.

3188. *Chairman.*] Who can become owners of those vessels; can any one except masters?—Yes, any of the pilots who have the means of purchasing; any journeyman.

3189. It must be either a master or journeyman?—It must be a pilot of some kind or other.

3190. None of us could become an owner of a pilot boat?—No.

Mr. *William Hughes*, called in; and Examined.

Mr. *W. Hughes.*

3191. *Chairman*] YOU have some statement to make against the removal of compensation for differential dues for pilotage?—Yes.

3192. You are the first master of No. 1 pilot boat?—I am.

3193. How long have you been in the service?—I have been 33 years in the service; I have been master pilot 22 years.

3194. Mr. *Horsfall.*] Can you state to the Committee what the pilotage rates are for British vessels?—The pilotage on British vessels is 9*s.* per foot inwards.

3195. Give us the inwards and outwards pilotage, first, of British vessels?—The pilotage outwards of British vessels is 4*s.* per foot.

3196. Upon the foreign vessels?—Upon foreign vessels, 12*s.* inwards, and 7*s.* per foot outwards.

3197. Now the coasting trade?—The coasting trade 4*s.* per foot inwards, and 2*s.* per foot outwards.

3198. Steam vessels?—Steam vessels 4*s.* per foot inwards when a pilot is taken, which is not compulsory with the coasters; and 1*s.* per foot inwards when a pilot boat is within a reasonable distance, and not else; outwards, where a pilot is taken, which is not compulsory, 2*s.* These charges have been reduced during the last two years, confirmed by an Order in Council of the 30th of January 1854, being a gross reduction of nearly 4,000*l.* per annum.

3199. What were the gross earnings of the pilots for the last year?—For the last year the gross earnings were 56,304*l.*; there is 1 per cent. off as per Act of Parliament, for annuity fund, which is 563*l.* 0*s.* 9*d.*; ½ per cent. voluntary in addition, on account of the number of claimants, which is 281*l.* 10*s.* 5*d.*; and 2 per cent. for collecting, dividing, and distributing amongst all the pilots 1,126*l.* 1*s.* 7*d.*, leaving a net income of 54,333*l.* 7*s.* 3*d.*

3200. How many pilots are there?—195 pilots, averaging 189*l.* 2*s.* 10*d.*, less the licence, 3*l.* 3*s.*, and less income tax.

3201. What is the balance to be divided amongst the owners of the boats?—The balance left to be divided amongst the owners is 17,451*l.*; but there are 10 apprentices to each boat.

3202. What are the apprentices' wages?—The wages of 21 apprentices, averaging 14*s.* per week, is, per annum, 764*l.* 8*s.*

3203. Have you some apprentices at lower wages?—Yes, 27 apprentices at 10*s.* per week, is, per annum, 702*l.*, and 63 apprentices at 7*s.* per week, per annum, is 1,146*l.* 12*s.* Victualling the apprentices in the 12 boats is 915*l.* per annum. Boats' disbursements for repairs, &c., for 12 boats, is 2,400*l.* per annum. Masters' acting money for 12 boats, at 51*l.* 5*s.* each per annum, is 615*l.*

3204. *Chairman.*] What does that mean?—Each of the first masters has extra over and above the working pilots, 25 guineas per annum, and 25*l.* the

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second master over and above the journeymen, making 51 *l.* 5 *s.* for each boat per annum.

3205. Mr. *Horsfall.*] Deducting those charges from 17,451 *l.*, what does that leave?—£. 10,908.

3206. To divide amongst the owners of the boats?—The insurance of 12 boats, value 2,400 *l.*, each at 7 *l.* per cent. per annum, is 2,016 *l.* Depreciation of 12 boats, value 2,200 *l.*, each at 5 *l.* per cent. per annum, is 1,320 *l.* Boat owners for 12 boats, at from 600 *l.* to 650 *l.* each boat per annum, is about 7,572 *l.*, which divided between 12 boats is for each boat, per annum, 631 *l.*

3207. How much per cent. is that per share?—I suppose it will be about 9 per cent.

3208. What did the Pilots' Benevolent Society expend in 1855 in payments to sick and superannuated members, widows and children?—About 600 *l.*

3209. There are sundry donations to hospitals and infirmaries, are there not?—In addition to the 1½ per cent. paid to superannuated members of which we had 100 on the fund of pilots, is 844 *l.* 11 *s.* 2 *d.* The Pilots' Benevolent Society expended in 1855, in payments to sick and superannuated members, widows and children, 600 *l.* 13 *s* 1 *d.*

3210. *Chairman.*] Who made the payments to the society; the pilots?—Yes, the whole body.

3211. Are those payments voluntary or compulsory?—It is a benevolent society, and it is voluntary.

3212. Those donations to hospitals, what are they?—There are the different dispensaries, hospitals and infirmaries, which are subscribed to in the event of any of the pilots being sick, or any accident happening to them.

3213. Mr. *Horsfall.*] What is the amount of those subscriptions?—About 70 *l.* to 80 *l.* a year.

3214. That is in addition to the 1,445 *l.*, which is expended on the poor members?—Yes.

3215. Can you state the cost at which, during the last 10 years, the eight boats have been renewed?—Each pilot-boat that was building has cost, at the least, from 2,200 *l.* to 2,400 *l.* We are building now three of them, which will cost from 2,400 *l.* to 2,500 *l.* each. From the time that those boats are built, the owners will not receive a shilling for two years to come, or more than that, in renewing the old boats by the new ones.

3216. That is, with the view of having the boats well seasoned?—No; we are increasing the boats as the port increases in size, for the accommodation of the pilots, and for the accommodation of the public also.

3217. Can you state the gross earnings of the 12 pilot-boats during the last 10 years?—The average is 55,995 *l.*

3218. *Chairman.*] You say that those pilot-boats cost 2,400 *l.* apiece?—Yes.

3219. And you say, after deducting the insurance and repairs, and the deterioration, they pay 631 *l.* each?—Yes.

3220. What rate of interest have you calculated, that is, upon their original cost?—It is upon the cost that the pilots pay for them.

3221. Upon what they cost in building. Have you considered what rate of interest that is; it is not quite 30 per cent., is it?—No.

3222. You say it is 9 per cent. upon what they cost the pilots?—Yes.

3223. At what rate do the pilots buy those boats?—They buy them at between 6,000 *l.* and 7,000 *l.* each boat.

3224. It would require nearly 9,000 *l.* to make 9 per cent.?—Yes.

3225. Why is it that the pilots give for each of those boats 5,000 *l.* more than they cost?—I have been a pilot-boat owner for 22 years, and as the Port of Liverpool has increased with shipping the earnings of the pilot boats have increased also.

3226. It depends upon the quantity of the gross earnings; so much is awarded to the crew, and so much to the boat?—Yes.

3227. And the proportion awarded to the boat has become so great, that it is worth while to give a large sum for it?—The pilots themselves have run the prices up; the Committee under the Act of Parliament have power to fix the price of the pilot boats; the pilots have a great risk and responsibility with the apprentices.

3228. They have no risk with the boats, because there is insurance deducted?—I mean in doing damage, not as to the insurance of the pilot vessel.

3229. You

3229. You mean that the boat is liable for the damage if they run anything down?—Yes, the owners are.

3230. Mr. *Milner Gibson.*] A ship is brought in by a pilot, and that ship suffers damage, do you mean to say that the shipowner has a remedy against the pilot?—Yes; if it can be proved that there has been neglect or want of skill on the part of the pilot, the shipowner has a claim on the pilot.

3231. *Chairman.*] Not on the pilot boat?—They have done in many instances on the pilot boat.

3232. Without the pilot boat having run against the ship?—No, the apprentices attached to the pilot boats may occasion damage.

3233. Do you mean to say, if a pilot mismanages a ship, and I am the owner of the pilot boat that brought him there, that the shipowner can claim against the pilot boat for the misconduct of the pilot?—Against the individual pilot.

3234. Mr. *Horsfall.*] If the right honourable Chairman happened to be part-owner of a pilot boat, he would have to pay his proportion of the damage?—Yes, if it was 16*l.*, and any gentleman owned a 16th share, he would have to pay his pound.

3235. *Chairman.*] Will you explain how that is?—Because he is that much owner of the vessel.

3236. If the boat has not done any damage, how is it that the boat has to pay?—We have 120 apprentices in the 12 boats; some of those apprentices are licensed apprentices, and if any of them do any damage the shipowner can come on the boat.

3237. Do you mean any pilot?—Any apprentice pilot.

3238. If any apprentice does damage the master has to pay for it; is that what you mean?—Not the master, the boat.

3239. Mr. *Horsfall.*] The owners of the boat have to pay for the damage done by the neglect of the apprentices?—Yes.

3240. Mr. *Milner Gibson.*] Have you any estimate of the amount of damage which you have had to pay during any given time?—We have had to pay a good deal of money time after time for the different apprentices in the different boats.

3241. What sort of amounts have you paid?—£.10, 20*l.*, 30*l.*, 40*l.*, and 50*l.* at a time.

3242. How much a year have you paid for damage?—I am not prepared to answer that question.

3243. Can you give any idea of the amount which you have paid for the damage done by the apprentices?—I never made the calculation; I know that we have paid a good deal of money time after time.

3244. Now and then a chance 20*l.*?—Yes.

3245. How often does that happen; once in a year or two?—Yes, and sometimes oftener.

3246. How often do you think the damage amounts to 50*l.* a year?—Some apprentices are fortunate; they are more clever than others; there is a great deal of difference in the experience of young men; some are better than others, and avoid damage better than others.

3247. Mr. *Horsfall.*] Can you give the Committee a return of the amount paid to the pilotage fund from the Consolidated Fund for alien pilotage for the last ten years, from the 1st of January 1846 to the 31st of December 1855?—The average for the last ten years would be about 6,153*l.*, but the average for the last five years would be about 7,332*l.*

3248. Can you give the Committee a return of the number and amount paid by unprivileged vessels, that is, vessels belonging to different countries which have no reciprocity treaty with this country, for the last ten years, say from 1846 to 1855?—The average would be 511*l.* 10*s.* 8*d.*

3249. Supposing that Parliament should abolish those differential dues which are now paid out of the Consolidated Fund, and the differential dues which are attached to other vessels belonging to nations with which this country has no reciprocity treaty, what would be the loss to the pilotage fund; can you give the Committee any estimate of the loss, say for the last five years?—The loss would be about 7,843*l.* per annum.

3250. How much per man do you calculate that loss would be?—I calculate that every first-class pilot would get 34*l.* per annum less than he is at present getting; and not only that, but it would be a loss to the pensioners on the

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fund that we support of about 100*l.* a year; we support all our own poor, and it would make a reduction in the income for supporting them of above 100*l.*

3251. What is the annuity to the superannuated pilots?—When they arrive at the age of 60 years it is 20*l.* a year; we have added a little to that lately by contributing another half per cent.; we are anxious to give them a little extra; but the law is 20*l.* a year.

3252. I presume you consider the advantage of obtaining a share in the boats has been an inducement to good men to enter the service?—Yes.

3253. *Chairman.*] In relation to this loss of 34*l.* a year, is that upon the supposition that the boat continues to receive the same amount of earnings that it receives now?—It would be a reduction to us all.

3254. Would there be the same reduction to the boat?—It would be a reduction to every boat, and every owner of every pilot-boat. Although we have 12, there is a direct opposition with every number; and those that can sail the fastest and get the most ships, make the most money. The most persevering makes the most; and it would make a general loss on the average, with every pilot-boat and every man, of 34*l.* a year each.

3255. Are those boats put up to auction amongst the pilots?—Yes. Whenever any person dies, in 12 months, according to the Act, his share is sold amongst all the pilots, and the pilot that gives the most gets it; no other people but pilots can purchase. The different boats are owned in different portions, some more and some less; we have as many as 30 owners in one boat.

3256. Mr. *Milner Gibson.*] Is it not considered an advantage rather to screw the pilots to increase the boats' shares?—No.

3257. If the boat had less the pilots would have more, would they not?—Yes; but if the boat's share was reduced they would not be kept in the efficient state they are at present; the boat-owners do not make so much now for the whole of the boat as they did 25 years ago, although the boats are more expensive to the owners.

3258. Mr. *Vance.*] How much did you give for your share of the boat in which you are engaged?—I am master of No. 1, and I gave for a 16th of her, when I was first appointed master, 500*l.*

3259. How much do you estimate to be your annual earnings out of that boat in every way?—A little better than 100*l.* a year. I have more than a 16th; I have an eighth of the boat No. 1 that I am master of.

3260. I wish to know how much are your full earnings, including your share of the boat and everything?—About 350*l.* per annum.

3261. Mr. *Horsfall.*] You are the master of the boat?—Yes. I do not get the whole of my money from No. 1; I have a small interest in another boat. Every journeyman pilot has the same privilege of purchasing that I have, and some of the journeymen have equally the same interest that I have.

3262. Mr. *Milner Gibson.*] Who settles the proportions out of the general fund that are to be paid to the boats and to the pilots; you say that 600*l.* a year goes to each boat. Who settles the amount that shall be paid to the boats?—There are two collectors; the collectors receive the gross amount of pilotage from all the ships. The men all get a certificate from the masters of the vessels; and as those certificates come in, signed by the different pilots, the collector collects the money. The superintendent, who is present, can give you information better than I can. The books are audited by the committee, I think, every quarter, and the gross amount is gone into every year by the Commissioners; and from the gross amount of all the pilotage that is earned, each boat takes her own proportion.

3263. *Chairman.*] When did this system of selling the boats begin?—It began before my time. I have been in the business above 30 years.

3264. Supposing, instead of its being confined to pilots, those boats were thrown open to the public to bid for them at the auction, I suppose higher prices would be realised?—I am not aware of that.

3265. Mr. *Duncan.*] What is the tonnage of your vessel?—The one I am master of is 60 tons; but I am building a new one at present, which is upwards of 100 tons.

3266. What did your vessel of 60 tons cost, when she was originally launched? About 1,800*l.* or 1,900*l.*

3267. You bought a sixteenth of that vessel for 500*l.*; so that, if the other shares

shares of that boat realised the same price, you paid 8,000 *l.* for a vessel that cost 1,800 *l.*?—Yes.

3268. Mr. *Horsfall.*] Supposing the sale of those vessels was to be thrown open to different parties, do you think they would be kept in the same efficient state as they are kept by the pilots who trust their lives in them?—No; I am quite sure, if it was thrown open, there would not be a pilot-boat at sea kept in the efficient manner in which our boats are kept. When we go out with the boats, there is no want of anything to keep them at sea. We go to sea when the large 400 or 500-ton steamers have turned back and gone into port; we have persevered and gone to sea, and we remain at sea in all weathers; we board ships in heavy gales of wind, when everything else seeks for shelter.

3269. Mr. *Duncan.*] This vessel in which you sail, and which you say cost 1,800 *l.* when she first went to sea, was equally in as good condition as she is now?—Yes. The reason of the difference is, that the owners have a claim for the apprentices; it is the apprentices that make a little extra for the owners, and the owners are responsible for their apprentices, and liable for any damage that may occur.

3270. *Chairman.*] Do you not think it is a privilege and advantage to the pilots that the sale of those boats should be restricted to them, and that the public should not be allowed to come in and compete with them?—My opinion is, that it is for the safety and benefit of the public.

3271. Is not it a money advantage to the pilots that the public are not allowed to compete with them in the purchase of the boats; do not you think the pilots get them cheaper than they would if they had to compete with all Liverpool bidding against them?—I do not know. I am acquainted with a good many persons who are interested in ships, that make more money than the pilot vessels.

3272. Mr. *Vance.*] Is not there a much greater security for the public that the sale of those vessels should be confined to pilots alone?—Yes, because the pilots are qualified men, and know where the rocks and shoals are; there is not that risk, and that is one reason for the pilots owning the vessels themselves.

3273. *Chairman.*] If a man were to purchase a share in a pilot-boat, must he be one of her crew?—He may sail in another boat; he may be in the crew of one boat and part owner of another boat.

3274. It does not much matter, does it, whether he is sailing in another boat or keeping a shop in Bold-street, as far as he is concerned in the good condition of the boat?—He must be a pilot; he cannot keep a shop; a pilot is restricted from doing anything else.

3275. Mr. *Beamish.*] The man must sail in one boat?—Yes.

3276. Is not he interested in all the boats being kept in equal order?—No doubt; several of the masters go round every year to see that the boats are kept in order, for the safety of the apprentices and pilots, and for the benefit of the public.

3277. Must they not all take their turn of duty in the boats?—Yes.

3278. *Chairman.*]. In the different boats?—No.

3279. Do you always go in the same boat?—Yes; I have a crew of 20 men, and my crew belongs to No. 1; another crew belongs to No. 2; another crew belongs to No. 3, and so on; we all go out in our regular turns.

3280. Supposing you were the owner of a part of No. 2, your life is not interested in the question of whether she goes to the bottom or not?—No; but the owners of No. 2 will see that she is in efficient order, and equal to the service for which she is required.

3281. If you are the owner of No. 1, you are interested, because if she goes to the bottom you would go with her?—Yes.

3282. If you were the owner of No. 2, you would not be interested, because you do not sail in her?—We all take an interest in keeping the boats in first-rate order, so that we can keep at sea to serve the public; that is all we look at.

3283. Mr. *Duncan.*] You say that you are part owner of other vessels?—Only of one; I have a small interest in another boat; some of the masters have a 32d in one, a 64th in another, and so forth.

3284. Do you ever sail in any other vessel?—I served my time in another, but I have never sailed in her for 22 years. I served my time, and got an interest from my old master.

3285. Mr. *Horsfall.*] Is it not constantly the practice that pilots going out in No. 1, will be picked up and brought back by No. 2 or No. 3, and so are necessarily

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sarily sailing in every vessel?—Yes; a man is sailing in every number. No. 1 may be in dock, No. 1 crew may go out, and No. 12 may be on the station. No. 12 looks out to take the pilots on board.

3286. *Chairman.*] Supposing a boat is worn out, and a new one is built, are the owners of the boat that is worn out the owners of the new boat, or is she put up for sale?—They are all owners of the new boat just in the same proportion. I shall have to pay for a new boat 2,400*l.* or 2,500*l.*, and every owner belonging to No. 1 has to pay his proportion of her. We are now paying for her by instalments.

3287. That is, they pay what the boat costs, 2,400*l.*?—Yes, or what they can get her built the cheapest for.

3288. When a person owning a share comes to sell it, he sells it at three times that value?—Yes, that has been the case ever since I have been in the business.

3289. Mr. *Vance.*] Do you get any fees with your apprentices?—No.

3290. How are they selected generally?—They are selected by the masters, and approved of by the pilots' committee.

3291. Are they usually the sons of pilots?—No; I never have had a son in the business, and very few pilots have. They are mostly strangers. I have had now four lots of apprentices, and I have only had one relative out of the whole. I take any person that comes to me if I want an apprentice, and I think he is competent. According to the regulations a person must have been so many years at sea before I can take him in the pilot boat, if I think he will answer the purpose, at the same time I have to petition the committee, and he has to go before the committee, and the committee has to approve of him.

3292. Mr. *Horsfall.*] I think you said that you were not allowed to keep a shop; are you allowed to engage directly or indirectly in any business?—No. Pilots cannot keep a public-house, or enter into anything except their own business; they must keep to their own business.

3293. Sir *John Duckworth.*] To whom do the masters of vessels pay the pilotage money?—The master of the vessel signs a certificate which he gives to the pilot, and it goes to our collector, and the collector receives the pilotage.

3294. It is paid to a certain collector?—Yes; we have two collectors belonging to the 12 boats.

3295. Then the pilots themselves never receive any money from the masters of vessels, do they?—Very seldom inwards, but sometimes outwards; when they do that, they bring a voucher that they have received so much money from the captain, signed in the captain's name. The certificate shows that the ship is bound to a certain port, is drawing such a draught of water, and the captain signs it with his name. There is very seldom much pilotage paid at sea; the ships are generally consigned to different agents.

3296. Did it ever happen to you to receive pilotage from a foreign vessel?—Sometimes. Nearly all the foreigners have their own agents in Liverpool; such as the French Consul, or Bahr, Behrend & Co. There are very few of the foreigners that pay their own pilots; there may be a few occasionally.

3297. In some cases you do receive money from foreigners?—Yes.

3298. Should you receive the same amount from a foreigner under those circumstances that you would receive from a British vessel?—Some of them that are not under a reciprocity treaty pay the full amount; others do not pay; those that are not under a reciprocity treaty pay the full amount of pilotage.

3299. If a ship is under a reciprocity treaty you would receive only the same amount as for a British vessel?—Yes; the additional money is paid by the Government every six months.

3300. You would be entitled, or the boat to which you belonged, to receive a larger sum for a foreigner from some other fund than you receive for a British ship?—Yes; the foreigner would pay so much money; that amount comes between the whole of the boat and crew, it belongs to all the working men; some of the men may go out with a schooner, some with a brig, and some with a ship.

3301. *Chairman.*] Do not you receive the same from all the foreigners, whether they are under reciprocity treaty or not?—It comes from different places, but we get the same sum.

3302. Do you know whether it makes any difference whether a foreign ship is under a reciprocity treaty?—If she is under a reciprocity treaty she pays 4*s.*, and the 3*s.* we get at the end of six months.

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3303. Lord *Hotham.*] In apportioning the earnings of each boat, do its earnings depend on the number of vessels which it may have brought in; or is any account taken of the length of time which each boat may have been out before finding a vessel requiring a pilot?—I have been out sometimes a week on cruise; at other times I have been a month on cruise.

3304. Do you get any more for having been out a month, than you do for having been out a week?—Not a penny more; it costs us more for provisions.

3305. Then you are only paid according to the number of vessels which you bring in; is that so?—Yes.

3306. I think you said just now that your yearly earnings were 100 *l.*?—£. 189.

3307. Do not you get 25 *l.* a year more than the common pilots?—Yes; the first master gets 25 guineas, and the second master 25 *l.*; we get that over and above, because we have extra work to perform.

3308. So that the earnings of an ordinary pilot would be about 189 *l.*?—Yes.

Mr. *Joseph Cooke*, called in; and Examined.

Mr. *J. Cooke.*

3309. *Chairman.*] YOU are Superintendent of Pilots at Liverpool, I believe?—Yes.

3310. And Examiner?—Yes.

3311. How long have you held that office?—17 years the 3d of this month.

3312. What is meant by being examiner of the pilots?—The superintendent is the examiner of the pilots who are applicants for licences. I commanded a ship previous to my appointment from 1827 to 1839, in the foreign trade.

3313. Mr. *Horsfall.*] Will you state to the Committee the necessary qualification for a pilot?—The qualification necessary for a pilot is, that he must have been three years in the merchant service before entering the pilot service; he is then apprenticed for seven years, and when he has served three years of his apprenticeship, and has been 12 to 14 times in and out with other pilots as leadsman, he is then examined and if found competent is granted a licence to pilot vessels not exceeding 200 tons. After the lapse of 18 to 24 months he is again brought forward, and examined for a licence to pilot vessels not exceeding 15 feet water or 500 tons burthen. At the end of his apprenticeship, if his conduct has been satisfactory, he is again examined, and if found qualified he is granted then a certificate to pilot vessels of any draft of water.

3314. Will you just give the Committee some idea of the nature and extent of the several examinations which take place?—The first portion of the examination is to the nautical knowledge of the working of a vessel under all circumstances, and also to his knowledge of the use of charts, the rise and fall of the tides; not only the use of the plain charts, but he must have a thorough knowledge of the construction of Mercator's chart, so that getting blown out of his usual course, he will have no difficulty in shaping his course, for instance, for Belfast Lock or any of those places. He is then examined as to the various entrances into the port of Liverpool, all along from the northern part of its entrances to the northward, as far as Whitehaven; that includes the whole of the sounding; and where to beach a vessel in the different localities, providing she should be making water. We place him under the most stringent examination as to a thorough knowledge of the dangers of the coast and of Lancaster Bay, the use of the harbour of Fleetwood, and the use of the Fleetwood Lights, what they are placed there for, where they mask and where they unmask. There is a very useful harbour he is examined for, the Harbour of Refuge of Pile, on the north side of Lancaster Bay, with its anchorages, its rise and fall of tide. He is then examined from Walney Island, which is on the north side of the entrance into Pile Harbour, with all the soundings to Whitehaven; and then across (after describing the nature of the harbour of Whitehaven) towards the Isle of Man, with the dangers which intervene between the Isle of Man and the Cumberland coast, how to avoid those dangers, both by his lead in thick weather and by the appearance of the lights at night; then round the Isle of Man, and examine him as to the use of all the lights, and of the respective harbours where to anchor, the rise and fall of the tide, and if any changes have taken place. But I should state that, independent of his having been in and out 12 times as leadsman with other pilots, and having been three years at sea in the merchant service, and having been three years in a pilot boat, that he goes annually upon

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what is called the annual survey. Each of the pilot boats make an annual survey of all the ports round as far north as I have stated; all the ports in the Isle of Man, and cross over as far as Holyhead; they examine the new harbour of Holyhead, and come along the whole of that coast, with all the sets of tide, and any alterations which have taken place; and on their arrival at Liverpool they give a report or log of the whole circumstances of that annual survey to the committee, which is referred to me as the superintendent and examiner, and if found satisfactory is laid before the committee and approved of.

3315. Mr. *Watson.*] And good conduct also, I suppose, is an ingredient?—We have a character book, in which is entered every case for or against every pilot in the service. We have also what is called a report book, in which the committee make the pilots, in case of any accident, however trifling, give an account of their stewardship; they have to appear before the committee, to explain, as well as this report, all cases of grounding or accident of any description which may occur to any vessel under their charge.

3316. Mr. *Horsfall.*] By whom were you appointed?—By the Pilots' Committee.

3317. The secretary?—The secretary is the clerk to the Commissioners; he is appointed by the Commissioners; I am the only officer elected by the Pilots' Committee.

3318. Can you state the rates of pilotage at Liverpool as compared with other ports?—Yes; taking a vessel of 20 feet water, the rate from the Downs to London for a ship of 20 feet water is 26 *l.* 9 *s.* 2 *d.*

3319. At New York?—At New York, for a similar draft of water, 17 *l.*

3320. Calcutta?—At Calcutta for a similar draft of water, 50 *l.*; and this is exclusive of the gratuity to the pilot and leadsman.

3321. At Liverpool?—£. 9; 26 *l.* 9 *s.* 2 *d.* in London, 17 *l.* in New York, 50 *l.* in Calcutta, and 36 *l.* in Melbourne, Australia, for vessels drawing 20 feet water.

3322. *Chairman.*] Are you aware of the length of pilotage in Calcutta?—It is considerable; I do not know the exact distance from Sand Heads to the town; but it is channel work.

3323. It is about 100 miles?—About 100.

3324. What is the distance at Melbourne?—It is very short.

3325. Mr. *Horsfall.*] Do not a great number of foreign vessels frequent the port of Liverpool?—Yes; that appears from the fact, that the rates upon them nearly one-eighth of the gross returns of pilotage.

3326. Those vessels are not under the same laws as to manning and equipment as British ships?—No, they are not, since the passing of the Mercantile Marine Act of 1854.

3327. You are of opinion that the pilots experience very considerable difficulty, not only from those foreign vessels being inefficiently manned, but from the circumstance of the crew not understanding the English language, very frequently?—Yes; I have known cases which have come under my notice of great inconvenience having been experienced by the pilots on board of foreign ships, which would not have occurred had they been British ships.

3328. Do not you think, considering those difficulties, and the increased responsibility, that there ought to be an additional rate of pilotage for navigating a foreign vessel, compared to a British vessel?—On public grounds I think so; for the safety of all on board the respective vessels. I heard a question put by an honourable Member upon the subject, and I fear, if you were to equalize the pay, and there should be a foreign vessel and an English vessel there, I think that the answer of the witness was a correct one: that he certainly would give the preference to the English vessel.

3329. *Chairman.*] How would that bear upon the question of safety?—For this reason; expedition is everything. If there were two vessels together, and it was blowing strong (for Liverpool is most peculiarly situated, being, as it were, in a lee corner), with the prevalent winds that blow, the pilot, having the banks under his lee, would board the English vessel in half the time that he would the foreign vessel, and thereby very great danger must ensue to the foreign vessel.

3330. And I suppose, if he boarded the foreign vessel, very great danger would ensue

ensue to the English vessel?—They have a peculiar way of laying their vessel in boarding in a gale of wind; they place the vessel with the wind upon the quarter. When it is blowing a heavy gale, the sea is very high upon the Liverpool coast. The pilot-boat then sails quickly under the lee, or rather on the lee-quarter of the vessel, and the pilot jumps on board. This mode of boarding vessels is peculiar to the port of Liverpool. Now, if the foreign vessel could not brace its yards bye (that is, bracing the yards so that the wind would not give the vessel too great a forward motion), the pilot could never get alongside in the way I have described as he would on board an English vessel; and therefore, having the banks under his lee, he would have no alternative but to lead the vessel in, and this leading is a very serious matter, for other vessels that might be coming up and wanting the services of the pilot-boats which had thus left the stations unnecessarily to lead the foreign vessel in.

3331. Mr. *Horsfall.*] Are you of opinion that the pilot service of Liverpool could be performed efficiently for a less sum than it now receives; that is, seeing that the pilots last year only received 189*l.* per man, if they lost the amount produced by the differential dues without compensation, do you think the service would be as efficiently performed as it is at present?—I feel perfectly satisfied there are no men more deserving. I feel perfectly satisfied they are not at present half paid; and I feel quite satisfied, if you reduce the rates from the present rate, it would have the tendency of driving the men who are fit for better places out of the service, and be the cause of introducing a worse class of persons.

3332. *Chairman.*] Does not a great deal of the money earned go to pay the men, not for the money they have earned, but for the money they have laid out?—No.

3333. We are told that a good deal went to pay for the shares in the boats; that is, not for work done, but for capital invested?—I should like you to understand that the shares which are held have been purchased by the pilots themselves, and it is a great ambition with them to be a shareholder, and 10*l.*, or 15*l.*, or 20*l.* even, is not a matter of any consequence to a pilot as long as he can only become a boatowner. They think it gives them a greater standing in the service, and they are anxious to become boatowners.

3334. Still that is interest for money laid out; that is not payment for services rendered?—It is so much as this; it is a certain privilege attached to the service, and that man, unless he had been a licensed pilot, could not have had that privilege.

3335. It is an investment of his savings?—Yes.

3336. That does not go to the efficient part of the service; that goes to give interest for the money saved in the service?—Yes; it is an investment for the whole service; it is not only binding on a few, it is spread over the whole service.

3337. Mr. *Watson.*] How could you put pilots on board a vessel off Point Lynas without having strong boats?—The fact is, our Liverpool pilot boats are noted. The Liverpool pilot service, I consider, is highly creditable to those who are engaged in it. I feel, and I ever have felt, proud at holding the position which I do. I am entirely independent of the pilots; the remuneration that the pilots get, I have nothing to do with; as to the economy of management, I think I may venture to place it against any other establishment in the world.

3338. The pilots receive so much for their actual labour, for instance, 189*l.*?—Yes.

3339. Besides that, there are pilots boats necessarily purchased, kept up, and maintained in order to take the pilots out to sea?—Yes.

3340. Therefore the interest of this money, derived as interest, is derived from the money invested in those vessels?—Yes. I superintend the pilot-boats, and if I were to observe a pilot-boat deficient in any part of her finding, I should insist upon the owners of that boat applying such a remedy as would make her fit for the arduous service of a pilot-boat.

3341. Mr. *Milner Gibson.*] The larger share you give to the boat, the less there is left to divide amongst the pilots, is there not?—Yes.

3342. *Chairman.*] Therefore a considerable portion of the money is not paid for the effective service?—A considerable portion of the money is paid by the effective service.

3343. Not for the effective service?—Whichever way you look at it, it is in

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this way; the men invest their money in the boats, and none but pilots can have that investment.

3344. Mr. *Horsfall.*] It is in fact for past service?—Yes.

3345. *Chairman.*] That is to say, a considerable portion is paid in the shape of interest for money saved in the service, and not for actual service?—For actual service; they could not possess the privilege unless they had been in active service.

3346. Lord *Hotham.*] You mean to say, that without boats they could not perform the service?—Without such vessels we could not efficiently carry on the service.

3347. Mr. *Watson.*] Is not the efficiency of a man-of-war the efficiency of the ship and sailors?—Yes.

3348. And an efficient pilot service is the efficiency of the boat and the men in it?—Yes.

3349. *Chairman.*] Are you of opinion that selling a boat which is worth 2,400 *l.* for 7,000 *l.*, does tend to the efficiency of the boat?—I should explain, that originally, when the boats were introduced into the pilot service at Liverpool, to be a boatowner was not of so much importance as it subsequently became. It has been the case that some of the railway shares in this country that were purchased for 100 *l.* have increased to 220 *l.* The original proprietary of the boats died off, and then other pilots were anxious to hold the shares, and they have kept bidding one against the other, enhancing the value of the vessels in that way.

3350. They have not yet driven it down to any formidable point; it pays about nine per cent.?—I believe it pays eight or nine per cent.

3351. That is after allowing a sinking fund for rebuilding a boat when a boat is worn out. Mr. Hughes said so?—I should rather take Mr. Hughes's evidence upon that point than my own; I think there is no sinking fund; I think Mr. Hughes stated that he believed the owners of the new boat which is now building in the Isle of Wight would not receive one farthing for the next two years, so that there cannot be much of a sinking fund at that rate.

3352. Mr. *Horsfall.*] Are you aware of any other class of people whose duties are as arduous as those of pilots?—None whatever.

3353. Can you state to the Committee the average duration of the life of a pilot?—About 39½ years, from statistical accounts.

3354. Mr. *Beamish.*] Do you mean that a man is for that length of time a pilot?—No, I refer to age.

3355. Mr. *Horsfall.*] Are there not many skilled artisans who are receiving a larger amount of pay than pilots get?—Yes.

3356. Mr. *Fenwick.*] Do you agree with the last witness, that notwithstanding double pilotage is paid for a foreign vessel, still the pilots prefer taking an English vessel to a foreign vessel?—No doubt; they do not get twice the pay, it is only one-fourth more.

3357. Notwithstanding that, you think they would always take an English vessel in preference to a foreign vessel?—I am certain of it; I know that I should as a nautical man.

3358. Mr. *Horsfall.*] I presume the pilots have not the same amount of risk and responsibility with an English vessel as they have with a foreign vessel?—No.

3359. Mr. *Moffatt.*] Do you know what are the general incomes of pilots in other ports of the kingdom?—I am sorry to say that some have but small incomes. For instance, the Dublin pilots, I do not know what their income is, but if I may judge from their external appearance, I should be very sorry to see our pilots reduced as they are.

3360. Do you know the incomes of pilots in any port except the port of Liverpool?—No, I have no data upon which to speak; I believe the income of a Calcutta pilot is something to the tune of 600 *l.* or 700 *l.* a year.

3361. I am asking you with reference to ports in the United Kingdom, and not with reference to India. Can you give the Committee any information with regard to the incomes of pilots in any other port besides the port of Liverpool?—I cannot give the Committee so much information as the Board of Trade already possess.

3362. Can you give the Committee any information with regard to the incomes of pilots in any other ports besides the port of Liverpoo?—No.

3363. You

3363. You have stated that the pilots in the port of Liverpool could not afford to take any less remuneration than that which they have at present. Upon what is that statement founded?—I stated that if the pilots of the port of Liverpool were to be reduced in any degree from their present scale, my belief is that it would decrease the efficiency of that body.

3364. You are not aware that the pilots of the port of Liverpool have a larger income than the pilots in other ports of the kingdom?—Yes, and their avocation is more dangerous; and the rents of the houses in which they are obliged to live are very much higher than in any other part of England.

3365. Do you mean to say that the rent of houses is much dearer in Lancashire than anywhere else?—Yes, in Liverpool.

3366. Mr. *Horsfall.*] Are the regulations under which the pilots act of a stringent character?—Yes, of a very stringent character.

3367. Will you give the Committee some idea of the routine of procedure with reference to any accident, or anything that might occur?—I think I stated that the pilots were obliged to report to the committee all cases of accident, grounding, or the like, that might occur.

3368. In your opinion, is the present mode of levying the pilotage rates at Liverpool on a proper basis or a wrong basis?—If the Legislature were going to make an alteration, I am of opinion that the present mode of levying the pilotage rates at Liverpool is on a wrong basis altogether; because a vessel in the West India trade, of 500 tons, will draw as much water, and therefore pay as much pilotage rates, as an Australian or an American vessel of 2,000 tons. I think the rates ought to be calculated upon the tonnage rather than the depth of water.

3369. Do you not think the rates should be calculated partly upon both?—Partly upon both; but a vessel of 500 tons coming in—according to her build, she might carry one-third more than her tonnage, drawing perhaps 18 or 19 feet, say 18 feet; and she would pay as much as another vessel arriving of 2,000 tons, only drawing the same water, and bringing three times the cargo. The length of that vessel of 2,000 tons renders it far more difficult to manage; the longer the vessel the greater the difficulty in navigating her.

3370. Is it the fact that, notwithstanding the vast increase in the shipping and tonnage interest of the port of Liverpool during the last few years, the remuneration of the pilots has decreased rather than increased?—It is so.

3371. How do you account for that?—It is because vessels have increased in size, and not in proportionate depth of water.

3372. *Chairman.*] Is there anything more which you wish to state?—I have a memorandum showing that in the week ending the 24th of May 1855, at Liverpool, there were 85 ships of 36,836 tons register; and in the week ending 24th of May 1856, there were 70 ships of 47,968 tons register; therefore, there is a decrease in the number of ships of 15, and an increase in tonnage of 11,132 tons; that shows the accuracy of what I have said respecting the increased size of vessels, and that if any alterations took place, I think the most judicious way would be to pay the pilots by tonnage.

3373. Mr. *Moffatt.*] Have you made any estimate of what would be the increased income of the pilotage fund by that alteration in the mode of remuneration which you propose?—I do not know exactly what the difference would be.

3374. You have not applied your mind to that subject?—No; much would depend upon the rate paid per ton. I conceive that the Legislature of this country would not give exorbitant charges upon shipping at this crisis. I presume they would make it something like what it is at present.

3375. You have introduced to the notice of the Committee an alteration which you propose should be made in the mode of levying the pilotage rates in the Port of Liverpool. Assuming the amount of tonnage that came in last year is the same in the present year, or in the year when your proposition came into effect; what would be the difference in the money result?—That would depend upon the rates of tonnage.

3376. Mr. *Horsfall.*] You do not want any increase; you merely want an alteration in the system?—Yes.

3377. Will you refer to that report of Captain Evans, the conservator of the Mersey (*handing the same to the Witness*), and state the number of vessels which you find left the Mersey in 1855?—This is the report for 1855 by Captain Evans, the conservator of the Mersey, to the Admiralty, in which he states that 54,870

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vessels had passed in and out of Liverpool during the year 1855, being an excess of 3,234 vessels over the year 1854, and 16,000 vessels over the year 1852.

3378. Will you state his comment upon it?—"It must be gratifying to my Lords Commissioners, as it is highly creditable to the pilots of Liverpool, that notwithstanding the difficulty and confusion attending the conducting of such a prodigious number of vessels, averaging 150 per diem, through the quicksands and channels of the port, that only one vessel in charge of a pilot was wrecked during the whole year; and even in that case, which was strictly investigated, no blame was attributed to the pilot. A few other casualties occurred to flats and small vessels by collision, amounting to 13 during the year."

3379. *Chairman.*] With respect to Captain Christie's case: Captain Christie was rejected, was not he?—He was.

3380. Had not he piloted his own vessel for 15 years previously?—I am not aware; he stated so. Those vessels, I should say, have second mate pilots, persons who are acquainted with the navigation, who are not recognised or licensed by our Board. After I had concluded the examination of Captain Christie, I asked him if he considered the examination had been conducted fairly, and he replied in the affirmative. Subsequently, on an application from the Board of Trade, the questions and answers, verbatim, were sent up to the Board of Trade.

3381. Did Captain Christie know at the time he said that the examination had been conducted fairly, that he was refused his certificate?—We had not arrived at a conclusion. Those examinations are of a very stringent character.

3382. Is it your usual practice to ask a person who has been examined whether he is satisfied with the examination?—No, we are not so polite to our own candidates.

3383. You are aware that Captain Christie denies that statement, are you not?—Yes; the secretary, and two or three members of the Board, and two master pilots were present, and heard him say so.

3384. Mr. *Moffatt.*] What induced you to ask Captain Christie whether he was satisfied with the fairness of his examination, if that is not the usual practice?—For this reason: that the Pilots Committee, with myself, have been most anxious to carry out the wishes of the Board of Trade in every respect.

3385. Was it the wish of the Board of Trade that you should put to this man this very unusual question?—It was after the examination was concluded; I did not conceive it could do any harm; we always wish to be polite to the parties who come.

3386. You state that you were anxious to carry out the wishes of the Board of Trade; was it the wish of the Board of Trade that this question should be put?—No.

3387. Mr. *Horsfall.*] I presume you were anxious to ascertain whether the man was satisfied with the fairness of his examination?—That was the reason. I have with me charts of the different entrances into the Mersey, showing that such is the dangerous nature of the channel of the Mersey, that the marine surveyor is continually making surveys. A chart of the entrance to the port of Liverpool is scarcely published before it is all wrong.

3388. Mr. *Beamish.*] From the shifting of the sand-banks?—Yes.

3389. Mr. *Milner Gibson.*] I suppose the changes which take place are not so great as to affect ships, except those of a very large size, drawing a great deal of water?—Yes, they are; in our best channel there is only 11 feet of water at low water.

3390. Do you mean to say that the changes from year to year are such as would affect ships of a moderate draught of water?—Yes.

3391. Mr. *Watson.*] What water have you on the Bar at low water, spring tides?—Eleven feet.

3392. *Chairman.*] With respect to your examination of Captain Christie, was the examination as to his general qualification as a pilot, or merely with regard to the voyage which he had to take with his vessel from Liverpool to Dublin?—We limited the examination instead of taking him all through.

3393. You did not take him to Morecambe Bay, for instance?—No; he was only taken, what we conceived to be requisite, to see the light-ship from the deck. He was merely subjected to a very small portion of the examination.

3394. Even in that he did not satisfy you?—No.

3395. Mr. *Watson.*] Are there any shifting sands in the Channel?—Yes.

3396. Is not the difference of tide between east wind and west wind very considerable?—Yes.

3397. How many feet do the tides vary?—From three to four feet.

3398. Mr. *Milner Gibson.*] Do you believe that if the pilotage was optional, many ships would avail themselves of the liberty of coming in without pilots by the survey?—I think all vessels would take pilots, as they do now.

3399. Then you would have no objection to do away with the compulsory pilotage?—If you do away with compulsory pilotage, you must, on the other hand, do away with compelling the pilots to go out; you must throw the thing open altogether, and in my opinion you would not have the service efficiently performed.

3400. Do not you think that free competition would supply pilots as well as the present system does?—No. Competition in the pilotage service, I feel perfectly satisfied, would be a ruinous transaction. The commissioners and myself are the servants of the public, and if we could find that competition would be beneficial, we would adopt it.

3401. *Chairman.*] Would not free competition rather reduce the value of the boats; they would not sell at 7,000*l.* a piece?—Of course, if the privilege was taken away, and if the pilotage were thrown open, I should say it would cut both ways. I am afraid it would be a very ruinous transaction.

3402. Mr. *Milner Gibson.*] Have you ever heard any complaints of ships not being able to find pilots when they wanted them under the present system?—Yes, but it has been under peculiar circumstances, when there has been a large rush of vessels after a prevalence of east winds, before the pilots could get down to the western station. We have a telegraphic communication all along the coast, and those vessels are telegraphed off Point Lynas as wanting pilots; if those vessels had come further to the eastward, they could get pilots, though the more prudent thing would be to lie off the western station till the boats came down to them. It does occur sometimes, but very seldom. Under the present system we know very well where every boat ought to be. We have the stations delineated, and we know where every pilot boat ought to be; and woe be to that man if a ship comes off that station when we know he ought to be there if she is wanting a pilot.

3403. Mr. *Moffatt.*] What would happen if he was not there?—We should call him over the coals, and bring him to account.

3404. What would happen then?—We might suspend him.

3405. Has a case of that kind ever occurred?—Yes, we have had master pilots suspended and fined large sums, as much as 5*l.*

3406. How often has that occurred in the last five years?—I do not know; it does not occur often.

3407. Mr. *Watson.*] The pilots are so well behaved, I suppose, that this thing seldom occurs?—We have very few fines for either neglect of duty, drunkenness, or anything of that sort.

3408. Do you find them very efficient?—Yes, I believe they are the most efficient body of men in the world.

3409. They are subject to great danger, and they have great responsibility?—Yes.

3410. Mr. *Moffatt.*] Do not you believe that they are the best paid pilots in the United Kingdom?—I should say from experience, being disinterested in the emoluments which they receive, that if they received twice the sum of money which they now do, and if I could be made a pilot to-morrow, and was to receive the same amount of money, I would not take the jump which these men are obliged to take, if it was only once in twelve months.

3411. Mr. *Beamish.*] You are not paid out of the pilotage fund?—No. Our service is managed for about 800*l.*, a year rent, taxes, and salaries included, and is the largest pilot establishment in the world.

James M'Adam, Jun., Esq., called in; and Examined.

3412. *Chairman.*] I BELIEVE you reside at Belfast?—Yes.

3413. What office do you hold in Belfast?—I hold amongst others the Secretaryship of the Royal Flax Improvement Society of Ireland, and in conjunction with that the Secretaryship of the Belfast Linen Trade Committee; I am General Secretary in all matters relating to the Linen Trade; besides which, I am a

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partner in a business of seed crushing, and other matters, and I am a member of the Belfast Chamber of Commerce.

3414. Were you not secretary to the statistical department of the British Association?—The secretaryship changes every year. I have paid a good deal of attention to statistics.

3415. Has your attention been called to the Liverpool town dues?—It has been latterly, with regard to the extent to which they affect the linen trade. We find that almost all the finer qualities of foreign flax come to Hull; they are thence brought to Liverpool, and thence transhipped to Belfast; that of course does not apply to Baltic flax, which comes direct to the port of Belfast, but simply to the large quantities of fine flax which are purchased in Belgium and the north of France on Irish account. They are shipped at Rotterdam and Antwerp at a low rate for Belfast. On reaching Hull they pay 4 *d.* per ton to the Hull Trinity House local dues. They are then brought by rail to Liverpool, and there again they are taxed 6 *d.* per ton, so that the local dues from the time of shipment to the time the flax reaches Belfast are 10 *d.* The through rate of carriage from Antwerp or Rotterdam by that route to Belfast is only 22 *s.* 6 *d.* per ton, therefore those two local dues at Hull and Liverpool just amount to 4 ⅔ per cent. on the through freight.

3416. Mr. *Horsfall.*] How much is the value of a ton of flax?—It varies very much; you might take the average, including the low Dutch flax and the low Belgian flax, at about 70 *l.* per ton.

3417. Upon which you pay 6 *d.* town dues at Liverpool?—Yes. My opinion, and the opinion of all the members of the linen trade in Ireland, is not at all one with regard to the proportion which the local tax at Liverpool bears to the value of the article, whether it is flax imported in the one case, or linen exported in the other; but we do not like to have to pay anything for which we get no set-off. We are perfectly willing to pay port dues wherever they are levied, but we do not see why we should pay another special tax in Liverpool.

3418. Mr. *Horsfall.*] Had the people in Ireland any objection to pay for the fireworks in London?—I do not see that the question is relevant; in the case of London, the Belfast proprietors may come here and enjoy the fireworks; but in the case of Liverpool, they must pay, and get nothing for it at all.

3419. *Chairman.*] With regard to the spinners on the River Boyne, where do they derive their supply of flax from?—They consume not only the French and Dutch flax, which is imported through Liverpool, but they also bring flax from the markets in the north-west and north-east, where Irish flax is sold by the farmers; they bring that flax across to Liverpool for transhipment to Drogheda, because there is no direct steam communication between Derry and Drogheda; it is shipped from Derry to Liverpool, and then transhipped from Liverpool to Drogheda, and pays an import due of 1 *s.* per ton.

3420. Does that flax pay export dues?—I do not think it would be required to do so, because the flax would be consigned in one name. I do not think they charge in both cases when it goes right through; that is a material point when you come to the question of linens and lawns sent to Liverpool from the north of Ireland; for America they do not pass through Liverpool, and are not obliged to pay both import and export dues. I may be wrong; I have made inquiries upon the subject, but no person has mentioned that they were obliged to pay both.

3421. Mr. *Horsfall.*] That is, if they continue to be the same property?—Yes; the goods almost always are the same property when they are sent forward in that way. The quantity sent through Liverpool is very large indeed; but I find that from Belfast, Newry, and Drogheda, including a small quantity from Cork and Dublin, the number of packages sent to Liverpool was 44,639 in the last year. Now, as nearly as I can recollect, that is about two-thirds of the entire quantity of linen shipped from Irish ports. Those linens are not merely for transhipment to the United States and elsewhere, but also for home consumption in England. The dues upon those linens amount to 4 *d.* upon cases and bales, and 2 *d.* on boxes. It is very hard to strike the average. In many cases the entries are made by packages, not specifying whether they are boxes, cases, or bales. I do not know whether to put it down as 3 *d.* on the average, or to take it at 2 *d.* and 4 *d.* In the one case the amount of town dues paid to Liverpool upon our linen trade is 743 *l.*, and in the other case 557 *l.*

3422. Mr. *Horsfall.*] Is the property exported on the manufacturer's account?—Partly

—Partly on the manufacturer's account. The trade is carried on in different ways. In the first place, there are those who buy the brown linens and bleach them, and ship them to America, to fill regular orders received by their representatives; many of them have houses in America, and travellers through the States. Others consign the linens to large dry goods' stores in New York, and they are sold by auction, or to the best account. Almost invariably those linens which are shipped to the United States do not go through the hands of two parties before leaving Liverpool. In some instances, Manchester and Liverpool warehousemen may purchase lots of linen on speculation, and tranship them to the States, but I should say that is rare; it is generally on Irish account that they go out. The linen trade, with regard to these dues, as I have explained, is not merely affected in the import of raw material, but in the export of linens and yarns, and the export of flax also; many English spinners, all the Lancashire and Yorkshire spinners purchase flax in the Irish markets, and this flax is shipped either by way of Liverpool or Morecambe or Fleetwood. From Londonderry, there is a considerable amount, and from Cork there is a small amount. The total amount exported to Liverpool was 1,147 tons; upon that flax there would be 1*s.* per ton import duty into Liverpool. Then, again, we have another article; we have yarns imported into Belfast from English spinners, and we have yarns exported by Irish spinners from Belfast, Drogheda and Londonderry. The Committee will understand that different descriptions of yarns are spun in each country. We export the medium classes of yarns, and receive a great deal of finer yarns from Lancashire and Yorkshire. Consequently we have an interchange of yarns, and on those yarns an export duty is charged at Liverpool of 6*d.* per bale, and an import duty of 3*d.* per bale. The quantity of yarns exported was 872 bales, and the quantity imported at Belfast, which is the only Irish port that received yarn from England, was 134 bales. The total amount levied on the linen trade and its different branches last year in local dues, adding the amount charged on the raw flax at Hull and at Liverpool, putting it altogether, is well on to 1,000*l.* It is difficult to arrive at the precise amount, inasmuch as cases, boxes, and bales of linen in many instances are entered as packages. One must be guided by one's own knowledge of the names which the exporters would use; boxes are charged 2*d.*, and cases and bales are charged 4*d.*

3423. *Chairman.*] Has the trade been diverted at all from Liverpool by these dues, do you think?—Yes; the great bulk of the shipments of manufactured goods from Belfast, being in linens and in embroidered muslins which are embroidered by the peasantry, there is a great deal of competition with the steamers, and two lines of steamers have been established; a line from Belfast to Morecambe, and another from Belfast to Fleetwood, which will of course take those goods without having to pay in the ports of Morecambe or Fleetwood any local town dues; the consequence is that the steam companies trading to Liverpool are obliged to contract in many cases to carry those goods, and take to themselves the loss of the Liverpool town dues. It is always so in the case of flax coming from Antwerp and Rotterdam; they do not charge the Liverpool dues in addition to the 22*s.* 6*d.* freight, because the Fleetwood and Morecambe steamers will take it through for 22*s.* 6*d.* in the same way.

3424. Therefore the Liverpool town dues fall upon the steam packet companies?—Yes; we have three lines of steamers at Belfast trading to Liverpool, two belonging to Belfast merchants, and the third to Liverpool merchants, so that the tax falls upon the shipowners of each port, and not upon the manufacturers as it would otherwise do.

3425. Do you consider that the existence of three lines of steam packets is beneficial to Liverpool?—I have not the slightest doubt of it.

3426. Therefore they are not a wise subject of taxation?—Most certainly not, seeing that it diverts, to a certain extent, the traffic into another channel, namely, Morecambe and Fleetwood. There is another remark which I wish to make with reference to these dues. The port dues, at Liverpool are heavier than the port dues at Belfast, and after paying port dues which we consider right and fair to be levied, we are called upon to pay town dues, as well. It is a very strange circumstance that inward port dues at Belfast, on flax, are just one-half the inward town dues at Liverpool on the same article. The Harbour Commissioners of Belfast have expended about half a million of money, and made it one of the finest harbours in the three kingdoms, and they levy only 6*d.* a ton on flax,

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while the corporation of Liverpool, who do nothing for the harbour, levy 1*s.* a ton, or double the rate. On yarn also, at Belfast, only 2*d.* per bale is charged as port dues; at Liverpool, 6*d.* per bale is charged by the corporation for town dues, leaving out of the question altogether the port dues which, at Liverpool, are generally heavier than they are Belfast; I believe the port dues at Belfast are the lightest of any port in the three kingdoms. I will put in a Table showing a few of the leading items, not merely relating to the linen trade, but to general goods, in which the town dues of Liverpool are heavier than our port dues in Belfast.—(*The same was delivered in.*)

3427. Does Irish produce contribute to the Liverpool town dues?—Irish agricultural produce to a large extent contributes to the Liverpool town dues. The traffic, in fact, between Ireland and the sister island will be best shown by taking, for example, the steamers, leaving out of question the coasters; and you will find, on reference to the steamer traffic, that Liverpool has by far the lion's share of it. For instance, from Belfast there are six sailings a week to Liverpool; from Dublin, there are either seven or nine, I cannot exactly say which; from Cork, two; from Limerick, one; from Drogheda, four; from Dundalk, three; from Londonderry, three; from Newry, two; from Sligo, one; and from Waterford, one; which makes, in all, 30 sailings from Irish ports to Liverpool. From Belfast to Glasgow there are six sailings a week; from Dublin, three; from Londonderry, three; and from Sligo, one; and none from the other ports; making 13 sailings from Ireland to Glasgow a week. To Fleetwood there are six sailings a week from Belfast, and none from the other ports. To Bristol from Belfast, one; from Dublin, one; from Cork, two; and from Sligo, two; making six in all, and none from any other ports. To London from Belfast, one; from Dublin, two; from Cork, one; none from any other ports; making four in all. If you add the sailings from Belfast to Glasgow, to Fleetwood, to Bristol, and to London, from those 10 Irish ports, they amount to 29, whereas the sailings to Liverpool from the same ports amount to 30 or 32, I cannot exactly say which. Therefore, you observe that Liverpool has more than one-half of the entire traffic with Ireland.

3428. Mr. *Horsfall.*] Notwithstanding the heavy town dues?—I do not think the question of town dues can be taken exactly in that way, because the Corporation of Liverpool cannot help Liverpool being a very convenient place for shipping agricultural produce, being connected with the large manufacturing district. The argument with the Irish producer is not whether he should send his produce, notwithstanding those town dues; but whether he can get a good market there. The merchants of Liverpool, the commission agents, and so on, benefit largely by the Irish trade, and from what I have heard of it, it bears an extremely large proportion to the general trade of the port; it is natural that every inducement should be given to Irish producers and Irish merchants to deal with Liverpool. One portion of the traffic from the North of Ireland has been diverted to two other Lancashire ports, it is not so easy to divert it from the southern ports; I believe, in the case of Holyhead, a great deal of traffic goes that way instead of going to Liverpool; the Holyhead boats are pretty well loaded now.

3429. *Chairman.*] I suppose in every case one of these arguments must apply, that if the trade is small, there is not much paid in town dues, and if the trade is large, it goes to Liverpool in spite of them?—Precisely; it is very certain that the trade of Liverpool derives great advantage from the Irish traffic, and they should encourage it in every possible way. I can just give a few instances of amounts paid on agricultural produce; we will take one port, say Cork; from Cork last year, you will be surprised to hear that there were 1,709 boxes of eggs which paid 71*l.* 4*s.* 2*d.* of Liverpool town dues; the Liverpool town dues upon the shipments of butter amount to nearly 100*l.* on 165,000 firkins. The entire town dues on the exports from Cork to Liverpool last year were 670*l.*, and on the other hand, the imports into Cork from Liverpool paid 349*l.*, making a total of 1,029*l.* I can give you Dublin in the same way; you have already had Belfast from two Belfast witnesses. If you take the proportion of the whole of the Irish ports trading with Liverpool on the same basis as this, you will find that at the very least we may put the sum which is paid on exports and imports to the Liverpool Corporation at somewhere about 8,000*l.* a year. I speak within the mark in taking it at 8,000*l.* We have one port alone paying 1,020*l.*, that is Cork, which is a second class port as regards imports. Cork is a large shipper

of

of agricultural produce, but by no means bringing so much in from Liverpool as other ports in Ireland, because Cork is more conveniently situated with regard to Bristol; but in Belfast for instance, and in Derry, the imports from Liverpool are very much larger than they are from any other port. The exports of agricultural produce from Dublin, from Cork, from Sligo, from Waterford, and from Limerick are very large to Liverpool; from Belfast they do not bear quite the same proportion, because the bulk of our exports consists of manufactured goods. The north-eastern counties may be considered the manufacturing districts of Ireland.

3430. Is the agricultural produce shipped at the risk of the producer?—The agricultural produce in most cases is shipped on consignment to Liverpool, to be sold for the producer, consequently the producer pays the local charges; those charges are levied upon the goods, and are charged in his bill by the commission agent.

3431. With regard to the local taxation of Belfast, have you any statement to make to the Committee?—We pay borough-rates, and our own town council have nothing whatever to do with the conservancy of the port, except at one time, before the Municipal Corporation, the sovereigns of Belfast were empowered to levy a certain amount upon shipping, but in no instance that I can hear of, and I have made inquiries from many persons who recollect the history of this matter in Belfast, have the municipal body been permitted to levy dues upon goods; the charges were exclusively confined to shipping under several terms which are now obsolete. The Harbour Commissioners, as I before stated, have made the port a very fine one, and their port dues are lighter than I think, I may say, any other large English, Scotch, or Irish port.

3432. Do you think that policy has answered at Belfast?—I am quite certain it has. Belfast has a very flourishing trade; the port has enormously increased, and the lowness of the charges has made it very much sought after. We, in Belfast, are obliged to pay borough rates, and borough rates are regularly levied upon us. In Liverpool, I believe the charges on goods going into and coming out supply the place of borough rates. In Belfast, the body which has so much improved the harbour and made it so convenient, tax the goods for the purposes of the harbour, and we tax the town for all borough purposes.

3433. In Belfast, the shipping pays for its own accommodation, and the town pays for the town?—Precisely; it seems to me the same system should be adopted at Liverpool, even if it makes the port dues heavier.

3434. Mr. *Horsfall.*] You think that the people at Belfast understand managing things better than the people of Liverpool?—I do not say that; the town of Belfast is a new town, and the town of Liverpool has been long established.

3435. *Chairman.*] You do not wish to interfere with the management of Liverpool affairs; you only wish that they should not meddle with yours?—No; if our opinion is asked we must express it; the amount is small, but we object to pay for getting nothing.

3436. Mr. *Horsfall.*] Is not the Corporation of Belfast in some pecuniary difficulty?—No doubt; that pecuniary difficulty does not affect any other parts of Ireland; it is entirely a matter amongst themselves; the only sufferers, if there be any sufferers, will be the inhabitants of the town and neighbourhood.

3437. *Chairman.*] Is not it a very good reason why you should not be taxed with other people's borough rates, if you are in difficulties with your own?—I think so; we certainly shall not ask the Liverpool people to get us out of the scrape.

3438. Can you give any account of the state of opinion in Ireland with reference to this question of town dues?—I have talked the matter over with several of our local bodies in Belfast, and I find the general feeling is decidedly adverse to the principle of the tax. In fact, the Chamber of Commerce of Belfast are at present preparing a petition in favour of the abolition of these dues, and it would have been, I dare say, ready before now, but the gentleman in whose hands it was placed has been very much occupied, but no doubt it will be presented before long.

3439. Mr. *Hardy.*] What is the exact principle upon which the people of Belfast object to the Liverpool town dues?—What I have so often repeated, that while they are quite willing to pay where they get a *quid pro quo*, they do object to pay that for which they get nothing.

3440. Is that the only principle upon which they object?—I fancy that is the

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principal objection that will be taken up by the Chamber of Commerce, and also with reference to the manner in which, as I explained before, the proprietors of the steamers in Belfast are obliged to pay out of their pockets charges which the proprietors of steamers in Fleetwood and Morecambe have not to pay at all; being obliged to carry at through rates, the town dues make it in some cases a losing concern. The through freight from the Continent at 22*s.* 6*d.* a ton is extraordinarily cheap, and it will hardly pay the steamers if they are obliged to go on the principle of paying town dues.

3441. Mr. *Milner Gibson.*] Do not the people in Belfast regard the Liverpool town dues as a sort of transit duty for which no service is rendered?—They do, most certainly; if this duty were levied by the harbour authorities in Liverpool as port dues, it would not be considered any hardship at all; but the Belfast people cannot see why they should be obliged to pay, say, in round numbers, 2,000*l.* a year. I speak of all kinds of goods, and the linen trade, say 1,000*l.* a year, for which they receive no benefit in the world.

3442. In point of fact, you pay a couple of thousand of pounds a year for permission to pass goods into Ireland *viâ* Liverpool?—Precisely; it is a toll levied upon them.

3443. Mr. *Horsfall.*] Are not a part of the eggs and bacon, and so on, consumed in Ireland?—Yes, a large quantity; a great quantity goes into the manufacturing district.

3444. Is not a considerable portion consumed in Liverpool?—I cannot say as regards the portion consumed in and about Liverpool.

3445. Do not some of those goods go to Manchester?—Yes.

3446. I suppose if the Manchester Corporation levy a due upon those goods on their arrival at Manchester, for which you get no consideration, you would equally object to that?—I do not know; the question might be looked upon in another way.

3447. I presume you would treat Manchester and Liverpool the same, would you not?—Liverpool is the port which receives the goods and has port charges; if those goods are exposed in the market in Manchester, they would have to pay market tolls.

3448. Supposing the goods are sold at the railway station, and are not sent into the Manchester market at all, if the Manchester Corporation levies a due upon those goods for which you get no consideration, would you not object to that?—I should object to any corporation, either at Manchester or anywhere else, doing so.

3449. *Chairman.*] Supposing that Manchester charges five times as much as Liverpool, would that be any reason why you should submit to the town dues?—No; on the common principle that two wrongs cannot make a right; I think it is wrong for anybody to make a charge for which they do nothing; in Belfast we have market rates, but we cannot charge people for a load of corn or a load of potatoes laid down at their doors; we cannot put up a toll-gate and say, "If you do not make use of our markets you shall pay so much a load or so much a sack."

3450. Mr. *Milner Gibson.*] If the Government were levying this transit duty at Liverpool, I suppose you would be petitioning to have it repealed?—Most certainly.

3451. And you do not see any objection to petitioning to have the Corporation of Liverpool compelled to desist from this tax upon the same principle?—I have already stated that a sub-committee is occupied by the subject, and a petition will be presented before long.

3452. Mr. *Hardy.*] Have you entered at all into the question of the right of the Liverpool Corporation to levy this due?—No; we merely see that we get nothing for it, and we object to it on that account.

3453. Supposing it were in the hands of an individual, what should you do with it?—We should say that it should be taken from him.

3454. Without giving him anything for it?—That is another question altogether; we have not entered upon that; we merely regard the fact as it exists, that we pay a certain sum yearly to the Corporation of Liverpool, who do nothing for it.

3455. *Chairman.*] Have you considered the question of compensation?—We have not.

3456. Supposing the Corporation of Liverpool were entitled to compensation, can

can you suggest any principle upon which it should be assessed?—I suppose that the large sums which have been levied at Liverpool for a long series of years would be quite sufficient, without any further compensation. *J. M'Adam, Jun., Esq.* 2 June 1856.

3457. Does not compensation mean, in general, fixing a burden upon the whole community, instead of a particular part of it?—Yes.

3458. Is not this burden already fixed upon the whole community?—Yes, upon all who trade to Liverpool.

3459. Would it be possible to give compensation in such a case; the whole community cannot compensate itself, I presume?—I do not see how it could.

3460. Lord *Hotham.*] Is a considerable quantity of goods sent from Belfast to Fleetwood?—Yes; a large quantity of linens, muslins, and yarns.

3461. Can you send those goods cheaper by Fleetwood than by Liverpool?—Yes; because we have not to pay town dues. I will tell you how it operates in Liverpool: supposing we sent a quantity of goods to Southampton to be shipped by the West India Mail Packets, Liverpool, in many ways, would be our most convenient port, because we could get them put into the railway and carried down to Southampton. If we send them by Fleetwood, we escape the town dues, and we send them right through by rail. But as we cannot find American steamers lying there, we are obliged to send to Liverpool.

Jovis, 5° die Junii, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Mr. Milner Gibson.
Mr. Beamish.	Mr. Duncan.
Mr. Horsfall.	Mr. Vance.
Lord Hotham.	Mr. Watson.
Mr. Bouverie.	Mr. Hardy.
Mr. Fenwick.	Mr. Cardwell.
Sir John Duckworth.	Mr. Moffatt.

THE RIGHT HON. ROBERT LOWE, IN THE CHAIR.

Henry William Schneider, Esq., called in: and Examined.

3462. *Chairman.*] WHERE do you reside?—I reside in London, but one of my chief businesses is that of producing iron ore from the North of England, under the firm of Schneider, Henney & Co. *H. W. Schneider, Esq.* 5 June 1856.

3463. What part of the North of England?—In the Ulverstone district; we ship iron ore from Barrow to the Staffordshire district, to South Wales, and the North of England.

3464. Has your attention been drawn to the town dues of Liverpool?—Very strongly in reference to this particular trade especially, and also with reference to coals, which in the course of my business I bring back to Liverpool from South Wales. The chief point upon which I feel these dues excessively oppressive to our trade is, that in exporting ore from the Ulverstone district to Staffordshire we do not go near the town of Liverpool; we merely pass it. Our vessels go to Birkenhead, Ellesmere, Port Runcorn and Garston Dock; in going there we do not at all approach Liverpool itself, and yet we are charged 3*d.* a ton for no service rendered to us in any way, and the tax becomes an excessively oppressive one to us, because there are other routes to Staffordshire which we have been compelled to adopt, partly in consequence of this tax, and with a view to evade it. We also send ore to Saltney and the River Dee, and we send ore likewise to Staffordshire by way of Morecombe, the terminus of a branch of the Midland Railway Company; they take it round the country at the same rate at which we can get it taken direct. The point particularly upon which we feel those dues exercise an injurious influence upon us, is that by arrangements which have been made with the railway companies, they charge us the same rate of tonnage from Barrow to Staffordshire, so that inasmuch as we pay 3*d.* additional for town dues in going to Liverpool, we are compelled to pay an additional 3*d.* in going by way of Saltney to Wolverhampton, and also by way of Morecombe to the

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same district. The way in which that is proved is, that the London and North Western Railway Company, and the Great Western Railway Company, having fixed a rate of 6*s.* 8*d.* a ton from their terminus into Staffordshire, and the rates of freight from Barrow to the Mersey ports and to Chester being different, the Great Western Company equalise that by charging us a lower rate than the 6*s.* 8*d.*, and if the town dues had not to be paid by us, the Great Western Company would undoubtedly reduce their rates also by 3*d.*, otherwise they would lose the trade. I may mention that we are compelled to go to Saltney, although it is an inconvenient port, with the view of trying to equalise these rates as much as possible, and to endeavour by some means to get rid of the town dues if we can. The object is on our part to raise such a competition against the Mersey, as to divert the trade if we possibly can, to evade the payment of this 3*d.* dues, which we feel to be an excessively grievous tax. The extent of trade is very considerable; the Ulverstone district has shipped in the last two years something like 650,000 tons of ore, of which nearly 200,000 have gone in the course of those two years to the Staffordshire district. This year the shipments will be considerably increased; we expect to ship about 400,000 tons from the district in the course of the year, of which we expect from 120,000 to 140,000 will go into Staffordshire, some through Birkenhead into South Wales; the tax coming to from 12*l.* 10*s.* a thousand, makes it something like 1,500*l.* a year, which is a very heavy tax upon an article of such a very low value. The average price we are getting for our Barrow ore free on board being about 10*s.* a ton, and the freight being about 3*s.*, it follows that the Liverpool town dues of 3*d.* come to no less than 16¼ per cent. upon the value, a rate of tax which appears to us infinitely greater than anything we ever heard of.

3465. You are of opinion that the trade is diverted by this tax from Liverpool?—There is no question that the trade is diverted from the Mersey in consequence of this tax, and I may mention one fact, which bears very strongly upon that point, in a case which happened to our own firm. I was in negotiation in the early part of this year for the sale of 25,000 tons of iron ore to a company in South Wales, to be shipped to Birkenhead, and to be taken thence by railways to South Wales, but we could not agree as to the rate of freight; they wanted me to do it at 3*s.* a ton and pay the town dues; I found I could only do it at 3*s.* without paying the town dues, and therefore I should have paid 3*s.* 3*d.*

3466. They paying the town dues?—They paying the town dues; the cost to us would have been 3*s.* 3*d.* with the town dues, and upon that point the contract went off. I subsequently made a contract with them to convey a larger quantity of ore from Barrow direct to South Wales; that contract was entirely broken off in consequence of the 3*d.* a ton town dues.

3467. To what place in South Wales?—To Newport, by sea.

3468. Mr. *Horsfall.*] What was the extent of that contract?—25,000 tons.

3469. *Chairman.*] What was the freight in that case?—The freight we are now paying to Newport is 6*s.* 6*d.* per ton, but it would involve a considerable calculation to show how the thing arises. Taking the ore from Barrow to Birkenhead, the freight is 3*s.* 3*d.* a ton, including the town dues. Then comes the railway rate from Birkenhead to a place called Pontypool, short of Newport. Then comes the question of the freight direct from Barrow to Newport, and the charge at Newport of taking it up the line from Newport to Pontypool, and according to their calculations, they found that they saved something like the 3*d.* town dues. It came, I believe, in the one case, to 9*s.*, and in the other to 9*s.* 3*d.* a ton, and they took the 9*s.* rate, which was 6*s.* 6*d.* from Barrow to Newport, and 2*s.* 6*d.* from Newport to their own works.

3470. Are not the town dues on 25,000 tons very considerable?—At 12*l.* 10*s.* a thousand, 312*l.* 10*s.*, I think, calculating it in my head, is the exact amount. Then we feel that these town dues are exacted from us for no service performed. The vessels enter the Mersey, and do not go near the Port of Liverpool; they either go to Birkenhead direct, to Runcorn direct, or to Ellesmere Port direct; they pass by the town, and do not approach the docks, or what we understand to be the limits of the port and township of Liverpool. I have always understood (I may be incorrect) that the low water-mark is the limit of the township of Liverpool, and, therefore, we cannot see what justice there is in charging us a rate for vessels which merely pass up the stream, and within the limits of what we always considered the Crown's rights. Then with regard to coals, there is a question which strikes us all as being extremely hard: I employ steamers of my own, running

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running from Barrow to Newport and the Briton Ferry. Those steamers load coal in South Wales, and take them back again to the Mersey; they go into the Mersey, and run alongside the Cunard steamers, and do not approach the shore or go near Liverpool, yet we are charged 2*d.* a ton for entering the Mersey, putting the coals out of our own vessels into the Cunard steamers. Upon the cargoes that we carry, amounting to 4*l.* or 5*l.* a cargo, at the rate we are now carrying, we should have to pay something like 30*l.* a month, which I need not state is of itself a very considerable sum upon the profits of the steamers. We consider it a very heavy taxation with regard to the ore question. There are certain points which have come before me: I understand that, at some period of time back, certain resolutions were passed by the town council of Liverpool, by which certain places in the Mersey, which had not been charged up to that time, were brought under their bye-laws for those dues. I understand that the names of those places were Hale, Eastham, Warrington, and Frodsham. Now I have always understood that Frodsham was within the limits of the port of Chester. I raise that question, because I think it would be important in the consideration of this matter, to ascertain what the facts are with regard to that resolution; the grounds on which it was passed, and how it was that those places were formerly exempted, if they were then entitled to charge them.

3471. Have you a copy of the resolution, or do you know when it was passed?—I have neither a copy of the resolution, nor am I aware at what time it was passed.

3472. Therefore you are not aware that it was passed in 1572?—I am not aware of the time. Then we feel that this tax is excessively oppressive upon us, because, as we understand, the ground upon which this rate is levied upon vessels is for the sake of giving facilities to vessels and providing for the conservancy of the River Mersey. Now, we do not find that that is attended to; and if I may be allowed to bring in a private matter in which I am specially interested, I may mention that, being the son-in-law of a gentleman who has a large property in Cheshire, at the Seacombe side of the Mersey, and having at some future day an ultimate interest in that property, I feel that I am very much aggrieved that, inasmuch as the conservancy of the Mersey has not been attended to, it has cost the estate a very considerable sum of money the last few years in building and maintaining walls on the west side of the river, opposite the town of Liverpool, in consequence of the variation of the tides caused by building the Liverpool Docks, which has caused the stream of the Mersey to set upon that shore, and has caused very great damage, and the estate is injured to that extent. I think it is a point which is very much dwelt upon in Mr. Walker's Report to the Lords Conservators of the Mersey, and he distinctly points out, as I understand, in that report, the injury which has been sustained, and traces it entirely to the effect which has been created by the Liverpool Docks.

3473. When was that report made?—It was made a few years ago.

3474. Who is Mr. Walker?—Mr. Walker is the engineer to the Admiralty, and he made that report at the time of the question of the docks being built at Birkenhead; when that Bill was introduced into Parliament, or shortly afterwards.

3475. Mr. *Horsfall.*] Have you a copy of that report?—No, I have not.

3476. *Chairman.*] Are you aware whether that report has been laid before Parliament?—I am not aware that it has.

3477. Mr. *Horsfall.*] Are not you referring to a report which was made this year by Mr. Walker?—I do not know whether he has made a fresh report this year; he has made a report; I cannot tell the time precisely; the information I get is from some of my relations who are more immediately connected with the property, and they dwell very strongly indeed upon that report; they consider themselves very hardly used in being compelled to expend this money for the injury caused by the diversion of the river. Then I should mention with regard to the title to charge these dues, we cannot see what title the Corporation of Liverpool have to charge us 3*d.* a ton upon iron ore. As we understand the case, the original grant that was made of the manor of Liverpool entitled them to charge certain dues for the use of the strand. The whole of the strand is now absorbed by the docks, and, as I understand, the Liverpool Town Council do not lay claim to any portion of the river beyond low-water mark. I may be misinformed upon that point; but, as I understand, the entire of the strand is absorbed, and it was for the use of that strand that the town dues were originally charged; and we do maintain that it is a most unjust tax, because no money, or comparatively

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tively no money out of a sum of 140,000 *l.* which is collected by these dues, is expended upon the conservancy of the river, except a paltry sum of 5,000 *l.* or thereabouts. You must pay dues for lights, and so on, and, therefore, no portion of that sum of 140,000 *l.* is expended in maintaining the lights. We understand that a very large portion of this 140,000 *l.* is applied to the embellishment of the town of Liverpool, keeping up the public buildings, widening the streets, and other municipal purposes, which we maintain ought to be paid by the town, and not to be brought out of our pockets. Seeing that in the small district of Ulverstone we are paying something like 1,500 *l.* a year upon such a very low-priced article, it amounts to a very large per-centage upon our profits.

3478. You say that the strand is absorbed; will you explain that?—The docks erected upon the strand extend down to low water-mark, and entirely cover the space which, we understood, was granted to the manor of Liverpool, between high and low water-mark; it was for the use of that particular portion of the strand that the charge of town dues was originally made. We have no wish to evade the payment of proper and reasonable dues for any service rendered to us for the purpose of facilitating the navigation of the river. We should cheerfully pay them, and wish to pay them, because it would be our interest to do so; but we see no interest in paying a sum of 1,500 *l.* a year for our small trade, when it amounts to 33 per cent. of the whole sum expended in facilitating the navigation of the river.

3479. That is, taking the sum expended at about 4,500 *l.*?—Yes; at 4,500 *l.* or 5,000 *l.* a year.

3480. *Chairman.*] Is there any other point which you wish to mention to the Committee?—Those are the chief points that we have to complain of, and that is the way in which the Liverpool town dues affect us.

3481. What remedy would you suggest?—The remedy that I should suggest would be the entire abolition of the dues, with the exception of such portion of them as might be required to be applied to the conservancy of the river; and we consider that we are entitled to ask for that. We consider if the borough of Liverpool requires to raise this very large sum of money for the purposes of the town of Liverpool, it ought either to be raised by a borough rate or by an increase in the dock dues. We think that those only who have services rendered to them ought to pay for those services. We cannot see that there can be any claim for compensation to the town of Liverpool in any way. We consider it is an unjust tax, a tax which has been raised for a great number of years, that ought not to have been raised. I consider that there is no more title to compensation in that case than in the case of my father-in-law, who, having the manor of Seacombe, and having quite as old a title as the corporation of Liverpool, was deprived by the Crown of his right of anchorage in Wallasey Pool, and was also deprived of the strand between high and low water-mark. The north reserve, which was upon a part of his property, which he considered his own, was afterwards sold by the Crown for something like 160,000 *l.*

3482. How was he deprived of it?—It was resumed by the Commissioners of Woods and Forests, under the same circumstances as they are resuming their rights to all the various strands between high and low water-mark round the coast. A very important case connected with that has been lately decided in South Wales, under very similar circumstances, in which I am also interested, in the county of Carmarthen.

3483. Mr. *Bouverie.*] Was the decision for the Crown, or against the Crown?—For the Crown.

3484. Mr. *Horsfall.*] What was the tenure of that right which you say the Crown resumed?—A grant of the manor. I am not perfectly acquainted with the title, and therefore it would be difficult for me to say much upon that point; all I can say is, that the right had been exercised for a period very considerably exceeding 200 years.

3485. Are you aware whether the tenure was freehold or leasehold?—It was held as lord of the manor.

3486. For any term of years?—I am not aware of the terms of the original grant; all I am aware of is the fact that the right had been exercised for upwards of 200 years.

3487. Lord *Hotham.*] Was that case decided in a court of law?—I am not aware where it was decided. Having seen the Commissioners of Woods and Forests upon the point, I understand that it has been settled by a friendly suit between the Commissioners of Woods and Forests and the Earl of Cawdor.

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3488. Sir *John Duckworth.*] I suppose the right of which you speak, which has been taken from your relation by the Crown, was not originally granted to him by the Crown?—So I should imagine; but it was a right exercised by him as lord of the manor. I can hardly see any difference between that right which he maintained as lord of the manor and the right of the town of Liverpool. I believe the original grant to Liverpool expresses "the strand to low water," that is the limit of the township of Liverpool. The reason why I bring the case forward is this, to show that the River Mersey itself could never have been considered as part of any grant by the Crown. The Crown had the same right to say to Liverpool, You shall not exact these town dues because the sea is ours.

3489. Is it not contended that the grant to Liverpool originated with the the Crown?—I understand so.

3490. I understood you to say that the grant to your relation, wherever it came from, did not emanate in your opinion from the Crown?—I am not aware of the fact. I rather think the manor was granted by the Crown. I cannot say positively, but information could be obtained for the Committee upon that point if they desired it.

3491. *Chairman.*] Do the Liverpool Corporation take town dues at Seacombe?—I believe so.

3492. Mr. *Horsfall.*] Did your relative claim a right to the shore?—Yes; he had a right to a ferry, which was maintained by the Crown, under what particular circumstances I am not aware.

3493. They have taken away the strand?—Yes; but they have confirmed him in his right to the ferry, which includes part of the strand; therefore there must have been some title to the strand, recognised by the Crown, otherwise they would have taken that part of the strand which leads to the ferry.

3494. In fact the Crown has not taken away from your relative anything to which he could prove a title?—I am not aware of the fact; undoubtedly there was a title to something.

3495. Would you not consider that he was entitled to compensation for anything that was taken away from him by the Crown to which he could show a title?—Yes.

3496. Therefore if the Corporation of Liverpool can show a title to the dues which they are now levying, and the Legislature thinks proper to take those dues away from them, would they not be entitled to compensation?—Undoubtedly, if they can show a title to the entire waters of the Mersey.

3497. If the Corporation of Liverpool can show a title to the dues which they now levy, would not they be entitled to compensation if they are taken away?—They would be entitled to compensation, but I hold that they cannot show a title to the waters of the Mersey.

3498. *Chairman.*] I understand that this due belonging to your relative was anchorage?—Yes.

3499. In the waters of the Mersey opposite Liverpool?—Yes.

3500. That right has been proved by a recent case to be in the Crown?—Yes.

3501. Mr. *Watson.*] If you do not know what the title is, how do you know that it is not lawful?—I only draw the inference, inasmuch as the Crown has taken away the right of anchorage in the waters of the Mersey from my father-in-law, and has maintained his right to the ferry which is upon the strand; I cannot see what difference there is between that title which has been exercised for 250 years and the title of the Liverpool Corporation, which, as I understand, does not include the waters of the Mersey, but only extends to low-water mark.

3502. Where do you find that it extends to low-water mark?—I have been told so.

Edgar Alfred Bowring, Esq., called in; and Examined.

E. A. Bowring, Esq.

3503. *Chairman.*] YOU are the Registrar of the Board of Trade?—I am.

3504. Has you attention been drawn in your official capacity to the question of exemptions from local dues on ships and goods?—Yes, it has.

3505. Will you state in what way and under what circumstances?—As affecting our relations with foreign countries, but especially with reference to France. In order that the Committee may understand the exact position of the question, it will be necessary to state very shortly the history of the matter. In 1826 the British

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Government concluded a treaty of commercial reciprocity with France, confined entirely to the direct trade, and that treaty provided, in accordance with the usual stipulations in such cases, that the vessels of France in direct trade with this country and the goods they convey should be received on an equal footing in all respects with the vessels of this country. A few years subsequently to the conclusion of that treaty, viz., in 1832, some complaints were made to the French Government by some of their subjects, of this treaty having been violated by the British Government, inasmuch as they discovered that in certain of the Channel Islands local exemptions were granted to the vessels and goods of freemen, and so on, which had the effect of constituting virtual differential dues against French vessels in favour of the trade of the Channel Islands. The question was fully gone into, and the British Government informed the French Government that they could not admit the claim for one moment; that it was not a question of differential dues of the nature contemplated by the treaty, and that the local exemptions were merely a local privilege granted to the Channel Islands, from which English subjects suffered, if anybody suffered, as much as French subjects. All we professed to give by the treaty was national treatment; we did not profess to give exceptional privileges which were withheld from our own subjects. Subsequently, when the British navigation laws were repealed, in 1849, there arose a question as to concluding an improved treaty with France, as we had succeeded in doing with several other foreign countries. We soon found that the whole question of local exemptions was again raised by the French Government. It would have been very easy for the British Government to have taken its stand upon the broad principle that those local exemptions were not in any way inconsistent with the provisions of the treaty; but as the French Government laid great stress upon the point, it was felt that there would be no objection to having the facts inquired into. The French Government handed in a list of 165 ports and creeks in this country out of the total number of 540, or nearly one-third of the whole, in which local exemptions were alleged to exist, though it was never admitted by us for one moment that they had a claim for the privilege they asked for. It was felt that if in a very large number of ports in this country those local exemptions did exist, although the letter of the treaty might not be violated, yet the spirit might be violated, for if in almost every port in England to which a Frenchman went he found the inhabitants enjoying a privilege, he might in effect be exposed to a disadvantageous competition. In the single case of Bristol or of Hull, for instance, he might have no right to complain, but if he went to every other port in the country, and found those exemptions existing, it would virtually amount to a system of differential dues for the whole of England. The British Government had however, no knowledge at all of the existence of that very large number of local exemptions alleged by the French Government. Therefore, in the mere spirit of amity, still maintaining their original position that the exemptions were not inconsistent with the treaty, it was agreed to have the whole matter thoroughly investigated; accordingly M. Cochelet, the French Consul-general, was appointed by his Government to examine into the matter, and I was similarly appointed on behalf of the British Government. The result of the inquiry was, that it was found that the French had very much exaggerated the case. In short, in respect of one-half of the total number of cases alleged there was no foundation whatever for the charge; although they might have existed at some former time, yet in them the local exemptions had been entirely swept away. But there remained no less than 81 ports and creeks in this country in which those local exemptions still continued to exist.

3506. Mr. *Watson.*] What is the nature of those exemptions?—They are of every possible description.

3507. Do you class local dues with exemptions?—No. The question is entirely distinct from the question of local dues.

3508. *Chairman.*] The question was with regard to the exemption of persons and ports?—Yes.

3509. Mr. *Horsfall.*] Had not the complaint of the French reference entirely to the exemption of freemen, and not taking exception to the local dues themselves?—It was simply with reference to local exemptions.

3510. The exemptions of freemen?—Not only the exemptions of freemen, but everything in the shape of exemption from duties. There were numerous kinds of exemption; in Liverpool it was from the town dues only; in other ports, such as Newcastle, there were several kinds.

3511. Had the complaints of the French reference to the local dues themselves, or were the complaints merely that certain freemen were exempt from those dues which the French were compelled to pay?—Originally, the French rather mixed them up; they made complaints of differential dues being charged against them in the direct trade, which was incorrect. It was always allowed that differential dues must not be charged in contravention of the treaty, but a broad distinction was drawn between differential dues and local exemptions. An assurance was given to the French Government that differential dues should not be so charged.

3512. Mr. *Watson.*] You have mentioned the exemptions in the case of freemen; what were the other exemptions?—They were of a most miscellaneous kind; in the case of Liverpool they were exemptions of freemen; in the case of Hull they were also the exemptions of freemen.

3513. Mr. *Horsfall.*] Was the only complaint with reference to Liverpool, the exemption of freemen from town dues?—Yes.

3514. Mr. *Watson.*] Are all the exemptions of that nature?—No, they are very various indeed. In the case of Cowes, for example, the exemption is from harbour dues, anchorage dues, and pilotage dues.

3515. Who are exempted:—In the case of Cowes I think the exemptions apply to the vessels of the port, and not to the freemen. In the case of Barnstaple the exemptions were from town dues. In the case of Chichester the exemptions were from dues on goods; in the case of Exeter the exemption is from port-harbour dues; in fact, there is every possible variety of exemption.

3516. Lord *Hotham.*] What was the nature of the exemption at Hull?—In the case of Hull the exemptions were of a mixed nature, viz., partly from town dues and partly from anchorage dues, Lynn and Newcastle again were mixed cases.

3517. Mr. *Horsfall.*] Will you explain the nature of the exemption at Barnstaple?—It is a case of exemption from town dues like Liverpool.

3518. *Chairman.*] Is there not a list of the exemptions given in the Report of the Shipping Dues Commissioners?—I believe so; I do not think the Shipping Dues Commissioners had the French complaints before them; but they went into the whole question. As I have stated, there were 81 cases in which local exemptions of different kinds were found to exist. The British Government, still maintaining its original ground as to the construction of the treaty, were fortunately not obliged to defend the principle of local exemptions, or even to discuss the principle; but at the same time there was so much misapprehension on the part of the French, that it was thought desirable to give every explanation on the subject. In reference to the Liverpool dues, the French were informed that the Municipal Corporations Act of 1835 provided for the gradual, but ultimately the entire extinction of these privileges of freemen. By the terms of that Act the privileges of the then living freemen were reserved not only to themselves, but also to their sons and daughters, widows and apprentices; and to show that they were gradually dying out, it was pointed out to the French Government that, although in 1830 there were between 5,000 and 6,000 freemen in Liverpool entitled to the exemptions, the number had fallen off to about 3,000. I will read a translation of a short extract from a despatch, which shows the view taken by the French Government with regard to our explanation on the subject of the Liverpool dues. The date of this letter is the 25th of September 1852. "This observation" (that referring to the Municipal Corporations Act) "cannot be taken into serious consideration by the Government of the Prince President. It would be in effect to adjourn indefinitely the satisfaction which we demand, to make it depend on the death of a number, still very considerable, of freemen and their widows, children, and apprentices. Our mercantile marine has too long had to suffer from the inequalities of treatment resulting from the privileges of municipal corporations in respect of shipping dues to justify our accepting even the provisional maintenance of a state of things which, to judge from the example cited in the memorandum as to the number of extinctions in Liverpool since 1830, would doubtless be prolonged far beyond the term assigned to the new treaty we desire to conclude. I therefore persist in comprising this special category of local exemptions in the *ensemble* of our present demands."

3519. What has been the result?—The result has been, that no fresh treaty has been concluded, and while there can be no doubt that the existence of these local exemptions has been for a period of 25 years a subject of great irritation in the minds of the French Government, which has had a very unfortunate effect

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on our commercial interests, I have no difficulty in saying, that the continuance of the exemptions has been a main obstacle in the way of our concluding a complete and a satisfactory treaty in place of the very incomplete and unsatisfactory one of 1826. In the present state of our commercial relations, our vessels are still subject to unfavourable treatment in the ports of France. I may mention with regard to the case of the Channel Islands, which first called the attention of France to the question, that in 1851, the States of Guernsey passed an amended law, (having found the evil effect of the exemptions on their own interests), by which the whole of those privileges were swept away, and they no longer exist in Guernsey, where the question arose.

3520. Is there anything else which you wish to state on that subject?—No.

3521. Mr. *Watson.*] Have negotiations been going on for some years with France to settle the terms of a treaty of commerce?—They have.

3522. Mr. *Vance.*] Are you aware whether any exemptions were complained of by France in relation to Irish ports?—Yes, a considerable number. A great many cases were alleged, but most of the Irish ones turned out to be incorrect. I may specify Ballina, Belfast, Cork, Drogheda, Dublin, Dundalk, Galway, Limerick, Londonderry, Newry, Ross, Sligo, Strangford, Tralee, Waterford and Wexford.

3523. Do you consider that the complaints of the French were correct?—In the majority of Irish cases they were incorrect.

3524. Mr. *Fenwick.*] Practically, you are of opinion that the existence of these local exemptions in English ports causes considerable injury to British shipping in French ports?—That has been the indirect result.

3525. *Chairman.*] Are the dues very oppressive in France?—Until quite recently we have been excluded from the indirect trade. In the case of Algeria, the imposition of heavy differential dues has entirely destroyed our trade.

3526. Mr. *Watson.*] Had those local exemptions anything to do with the imposition of differential dues in France?—The latter was entirely a matter of French internal legislation.

3527. That is, the French differential dues had no reference to the exemptions in the English ports?—They have arisen out of them, inasmuch as our refusal to admit that the French treaty entitled France to those exemptions, induced her to impose upon British vessels in her ports every possible restriction which was not contrary to the treaty.

3528. What is the objection which the French have to the exemption of the Liverpool freemen?—They state that unless they consign their goods to a Liverpool freeman, they are subject to the payment of town dues. The Liverpool freeman is always exempt, even if the goods are French goods.

3529. If the goods are consigned to a Liverpool freeman, then there are no town dues paid upon them?—I believe not.

3530. Mr. *Cardwell.*] If I remember rightly, the question between England and France first originated soon after Lord Grey's Government came into power in 1830 or 1831?—It did. The complaint was first made in the year 1832.

3531. The ground of difficulty then was, that France declined to come into our views, unless she had equal admission into our ports; and she contended that as long as there were certain local dues from which there were special exemptions enjoyed by some of the Queen's subjects, she had not the full benefit of that equality?—At that time it was not a question of negotiations with France; it was a complaint brought forward by her, that by the exemption of certain parties we infringed the treaty of 1826.

3532. At that early period that was the case?—Yes.

3533. The question again acquired prominence after the repeal of the navigation laws?—Certainly.

3534. And when France was invited to reciprocate that concession, this point was raised as an obstacle to this concession on her part?—It was.

3535. Then at a later period, if I remember rightly, under Lord Derby's administration, we proposed again for a renewed commercial treaty with France, and that point arose again; was not that so?—I think what took place in Lord Derby's time had more special reference to a commercial treaty, as distinguished from the navigation question.

3536. The proposal was for a commercial treaty, and the French insisted, on their part, on combining with it the navigation question?—Quite so.

3537. Then

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3537. Then there was the mixed commission, to which you have referred, appointed to investigate the matter; at what period was that commission appointed?—In 1851; it was not a formal commission. It was arranged that somebody should be appointed on the part of the French to go into the matter, and that somebody should be similarly appointed on the side of the British Government.

3538. The result has been this; that the British Government have refused to acknowledge the justice of the French case, and the French Government have declined to depart from the ground which they then took up?—That is precisely the position of things.

3539. So far as the correspondence goes, it is on their side an obstacle to a reciprocation of our concessions in the matter of the navigation law caused by France, and also one of the principal obstacles to the contracting of a more advantageous commercial treaty?—It is.

3540. Mr. *Horsfall.*] Did the Commission sit to settle the terms of a treaty?—I think I have mentioned that it was not a formal Commission, and that it had only reference to the question of local exemptions. M. Cochelet, the French Consul-general, was appointed by his Government, and I acted in the matter on the part of our Government. He gave in a statement of 165 cases alleged to exist; we instituted the most minute inquiries through the Custom-house, and the result showed that there were 81 cases in which local exemptions did still exist in British ports and creeks, of course of different degrees of importance.

Thomas Part, Esq., called in; and Examined.

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3541. *Chairman.*] YOU reside at Wigan, I believe?—I do.

3542. You are a solicitor and coal-owner?—Yes.

3543. What is the principal manufacture at Wigan?—Cotton.

3544. Have you entered into any calculation with regard to the influence of the Liverpool town dues on your manufactures?—I have taken means to ascertain the quantity of cotton consumed annually in the parish of Wigan, and I find that the quantity now consumed is about from 110,000 to 120,000 bales annually.

3545. Mr. *Horsfall.*] When you say "consumed," I presume you mean manufactured?—Manufactured.

3546. *Chairman.*] What result do you deduce from that with reference to the Liverpool town dues?—The town dues claimed upon cotton, I understand, are 2*d.* per bale, which would amount, upon the import, to 960*l.* per annum, or in round numbers, to nearly 1,000*l.* If we assume one-half of that to be exported, that would make the duty payable upon the manufactures of the parish of Wigan about 1,500*l.* per annum upon cotton goods alone.

3547. Are coals raised in your parish?—Coals are raised very largely in the parish of Wigan, and in the surrounding district; we are in the centre of the large Lancashire coal field.

3548. What is the quantity of coal that is raised in that district?—The quantity raised in the Lancashire and Cheshire coal field is something more than 3,000,000 tons annually.

3549. Mr. *Horsfall.*] Over what district does that extend; how far from Wigan does it extend?—It extends to the neighbourhood of Stockport in Cheshire; indeed, beyond Stockport to Lord Vernon's works.

3550. It extends over a very wide area?—Yes; of that quantity at present there is exported by way of Liverpool from 300,000 to 400,000 tons annually; there have been great impediments hitherto to the export of coals from that district; it forms a very small proportion to the export from other western parts, and that has arisen hitherto in a great measure from the expense and difficulty of transhipment, there being no direct communication by which the coals could be taken from the canal, or from the railways to the docks on the River Mersey.

3551. *Chairman.*] What canal and railways are you speaking of?—There is the Leeds and Liverpool Canal, which intersects the coal district; the London and North-western Railway; and the Lancashire and Yorkshire Railway, all of which intersect the coal district, and pass through Wigan. In fact, latterly the railway companies and the dock trustees have determined to afford accommodation by which the coals to be shipped can be conveyed to the side of the docks, upon the high level railway, and from thence discharged into the holds of the vessels, by that means obviating altogether the necessity of deposit within the

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town of Liverpool, or of passage along the streets. It is expected that a considerable saving in the cost of transhipment will be effected by means of this high level railway, and there is every prospect of the export trade of coals from Liverpool being greatly increased if that is not defeated to some extent by the imposition of dues in respect of which no service or consideration is received.

3552. Your goods will go straight down to the docks?—Our goods will go straight down to the docks on the railway.

3553. Will they pass through the town of Liverpool?—They will pass over a portion of the northern part of the town of Liverpool on arches.

3554. Are you acquainted with the distinction between a toll traverse and a toll thorough?—Yes; a toll traverse I take to be a toll which is paid in consideration of the use of that which belongs to the recipients of the toll, and as compensation for any injury they may sustain, or any service they may render; a toll thorough I take to be a toll which is paid without any consideration at all to the recipients.

3555. Are you aware of the principle or the law with regard to what is necessary to establish a toll traverse and a toll thorough?—I have not looked very much into that subject.

3556. You require to show consideration to support a toll thorough, but not in the case of a toll traverse?—Yes.

3557. Mr. *Watson.*] Do not you know that the possessor of the toll may alienate the toll to one man, and the land to another?—I believe there is a case upon that subject.

3558. *Chairman.*] Do you allude to the case of Lord Pelham *v.* Pickersgill?—Yes.

3559. Mr. *Horsfall.*] At whose suggestion was this high level railway constructed?—The high level railway was constructed at the suggestion of the coalowners after repeated applications to the railway companies, and by the railway companies conjointly with the coalowners to the dock trustees of Liverpool.

3560. Were not the coalowners aware of the town dues being levied at the time that they suggested the construction of this railway?—I believe they were painfully aware of it.

3561. *Chairman.*] Will not the effect of this railway be to increase the exports?—Yes.

3562. And consequently to increase the town dues?—Yes; if we assume the increase only to be a little more than half a million of tons a year, so as to increase the entire export to a million of tons a year, that would, according as I calculate it, afford town dues to the amount of upwards of 8,000*l.* a year upon the coal.

3563. Do you mean that the Corporation of Liverpool will benefit to the extent of 8,000*l.* by the enterprise of the railway company?—The total will be 8,000*l.*

3564. Mr. *Beamish.*] What increase of town dues do you calculate will be produced by the construction of this high level railway?—From 4,000*l.* to 5,000*l.* a year; I may state that the sum paid in the shape of town dues upon these coals is fully equal to one-third of the royalty on the coal of the district, or upon the average of our coal field it would be equal to about 300*l.* an acre upon all the coal exported.

3565. *Chairman.*] Have you anything to add upon that portion of your evidence?—I am not aware of anything more.

3566. Have you turned your attention to the title which the Liverpool Corporation have to these town dues?—I have had occasion to do so.

3567. Can you state when town dues first appear in the history of Liverpool?—They first appear in the history of Liverpool in the hands of private leaseholders, but so far as I can discover the title of the corporation commences with the grant of Charles the First.

3568. Are you acquainted with any transactions prior to this grant?—Yes; I have turned my attention to a case which was in dispute between Sir William Molyneux and the Corporation of Liverpool subsequently to the date of that grant, but previously to the Corporation of Liverpool having purchased the town dues and other property from the Molyneux family.

3569. Are you aware of any litigation between the Molyneux family and the Corporation before the grant of Charles?—No, it was before the purchase by the Corporation.

3570. Mr. *Watson.*] What is the date of the grant?—The year 1629.

3571. *Chairman.*] Have you any observation to make with regard to the grant?—I found my opinion as to the fact of the grant being the foundation of the title of the Corporation of Liverpool upon the proceedings in that suit between Sir William Molyneux and the Corporation of Liverpool, in the reign of Philip and Mary.

3572. That was before the grant?—Yes.

3573. The grant was in Charles the First's time?—Yes.

3574. Are you aware what transactions preceded that suit?—The Corporation of Liverpool claimed to be entitled to town dues and other property within Liverpool, and some proceedings took place; I believe they imprisoned the collector of the Molyneux tolls.

3575. What happened to the mayor of Liverpool?—The mayor of Liverpool was imprisoned in London in the Fleet Prison.

3576. Then ensued this litigation to try the question?—Yes.

3577. Mr. *Horsfall.*] What was the date of the litigation?—The year 1555. "It was a suit instituted in 1555, in the Court of Chancery of the Duchy of Lancaster, by Richard Mullyneux, of Sefton, in the county of Lancaster, Knight, against the mayor and bailiffs of Liverpool, respecting the title to 'The towne and lordshyppe of Lytherpool, with the appurtenances, in the county of Lancaster aforesaid, and also one boate and passage over the water of Mercye, and the flesh shambles there, and also the stallage and tolle of the marketts and fayres, with the perquysytes of the court in Lytherpole afforesayd, and also the custome and anchorage of key-tolle of the sayd water of Mercye, within the lordshyppe of Lytherpoole afforesayd.'"

3578. Mr. *Watson.*] Do the words "Port of Liverpool" occur?—No.

3579. *Chairman.*] What was the effect of the decree?—The effect of the decree was to prove that Sir William Molyneux was entitled to the subject-matter in dispute, that is, amongst other things, to the customs, anchorage and key-toll of the waters of Mersey within the lordship of Liverpool; and an injunction was granted to restrain the corporation from collecting or interfering with the collection of those tolls. The effect of this was to show that the freemen of Liverpool were not exempt from the payment of those tolls, and that they were liable to pay them.

3580. Is that in the decree?—Yes.

3581. Will you read it?—"It is ordered and decreed by the said Chancellor and Councell of the said Duchy of Lancaster, that the said complainants and their assigns, and all and every their deputy or deputies and servants, and every of them, from henceforth shall and may, quietly and peaceably, at their will and pleasure, have, hold, occupy and enjoy the said town and lordship of Liverpool, with the appurtenances, in the said county of Lancaster, one boat and passage over the water of Mersey, and also the flesh shambles within the said town of Liverpool, and also the stallage and toll of the markets and fairs, and also the perquisites and profits of the courts holden and kept within the said town of Liverpool, and also the custom, anchorage, and key-toll of the water of Mersey, in the said town and lordship of Liverpool, or appertaining or belonging to the same, with all other profits arising, coming, or growing within the said town and lordship of Liverpool, during all such interest and term of years as they the said complainants have in the said town and lordship of Liverpool."

3582. Mr. *Watson.*] What inference do you draw from that; is not the true inference to be drawn that there was a distinction between petty customs, anchorage and quay-toll in Liverpool?—No, there is no distinction drawn in this case.

3583. What inference do you draw from that case?—The inference I draw from that case is, that the Corporation of Liverpool had no right or title to the subject-matter of the grant.

3584. Did not they claim "the custom and anchorage of quay-toll of the said water of Mersey"?—They claimed "the custome and anchorage of key-tolle of the said water of Mercye, within the lordshyppe of Lytherpoole afforesayd."

3585. Now turn to the judgment, and see what that says?—The judgment is, "But it appeared not to this court that the said mayor, bailiffs and burgesses of the said town had ever any profits of the premises to their own uses, but that at all times the Kings and Queens Majesties that now are, or the progenitors of our said Sovereign Lady the Queen, have been continually and yearly answered of all the said premises specified in the said bill as in the right of the said Duchy of

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Lancaster for the space and time of a hundred years and more now last past, as by the records, auditors rolls and other remembrances remaining of record in this court, as before in this present order is declared, it did manifestly appear to the said Chancellor and Council of the said Duchy of Lancaster."

3586. Then it shows that the Sovereign had been answered of all those matters in the Duchy of Lancaster?—Yes.

3587. And that they had the title, and not the Corporation of Liverpool?—That the Duchy of Lancaster had the reversion; that the right was in respect of the Duchy of Lancaster. I mention that because I may have to make some remarks upon it.

3588. *Chairman.*] What step did the Liverpool Corporation take after this decree was given?—The step that the Corporation of Liverpool took would lead to the supposition that they acquiesced in that judgment, for they afterwards took a lease from Sir William Molyneux of these tolls.

3589. A lease on what terms?—The first lease was from year to year, and so continued until 1672.

3590. Mr. *Watson.*] Will you read the parcels of the lease of 1672, in order that the Committee may see what was demised by that lease?—The lease of 1672 recites the original lease from the Crown to Sir Richard Molyneux, and then demises to the corporation what was demised by the Crown to Sir William Molyneux.

3591. The grant of 1628 was a grant from Charles the First to the citizens of London; just read the parcels from that grant?—King Charles the First granted to the Corporation of London "all that our toun and lordship of Litherpooll parcel of the honor of Lancaster, in the aforesasd county of Lancaster, with every of their rights, members and appurtenances, and all that boat and passage over the water of Mersey there, and the butchers shambles in the said toun of Litherpooll, and also all stallage and tolls of the markets and fairs, with the perquisites of courts in Litherpooll aforesaid; and all customs, anchorage, and key-towle of the water of Mersey aforesaid, and within the aforesaid toun or lordship of Litherpoole aforesaid, then or late in the tenure or occupation of Richard Molyneux, Knight, or of his assigns, by a particular thereof mentioned to have been of the yearly rent or value of 14*l.* 6*s.* 8*d.*, and to have been parcel of the lands and possessions of the ancient Duchy of Lancaster, to be held" —that is, in a subsequent part of the grant,—"as fully, freely, and entirely, and in as ample a manner and form as any Duke of Lancaster, or any abbot or prior, abbess or prioress of any then late monastery, abbey, priory, or hospital," and so forth, "have used and enjoyed the same." I would remark that this grant uses the word "and;" between the words "the waters of Mersey aforesaid," *and* the words "within the aforesaid toun and lordship of Liverpool;" but it goes on to say that it is property that was "then or late in the tenure or occupation of Richard Molyneux, Knight," and also property that "formed part of the lands and possessions of the ancient Duchy of Lancaster." If I understand the claim of the Corporation of Liverpool rightly, they claim to be entitled to town dues coastwise from Wallasey Pool to the mouth of the River Douglas in the Ribble, and up the Mersey, and creeks of the Mersey and the Weaver, as far as those rivers are navigable.

3592. *Chairman.*] On both sides of the Mersey?—Yes; I believe no part of the Cheshire side of the Mersey is or ever was within the Duchy of Lancaster, or ever formed any part of the possessions of the Duchy of Lancaster.

3593. What do you infer from that?—I infer from that that it is impossible that this grant could include, as being part of the possessions of the Duchy of Lancaster, lands which were not within the Duchy of Lancaster; they would be confined to those lands which were within the Duchy.

3594. Would the Court of the Duchy of Lancaster have jurisdiction over anything that is not within the Duchy?—No.

3595. Mr. *Watson.*] Has not the Duchy of Lancaster land in every county in England?—Yes, but no part of that (the Cheshire) shore is within the Duchy of Lancaster.

3596. *Chairman.*] Your point is, that the Cheshire shore should not be within the original grant, or the bed of the river, inasmuch as that is in the possession of the conservators of the river?—Yes.

3597. Are you aware whether there is anything in the way of actual possession that militates against this claim of Liverpool?—I am; but I was going to observe also

also that this grant was confined to the property that was in the tenure of Sir Richard Molyneux, and to ascertain that it becomes necessary to refer to antecedent leases to Sir Richard Molyneux and his predecessors; I have gone through these leases, and I find, working the thing backwards, that in a lease of the 8th of Elizabeth to Sir William Molyneux, and in a lease of the 1st & 2d of William and Mary, the word "and" is sometimes used and sometimes omitted; between the words "the waters of Mersey" *and* the words "within the lordship of Liverpool." But to refer to the earliest of those leases: the lease in the 1st & 2d of William and Mary recites the lease of the 38th of Henry the Eighth; that lease, and previous leases, use the words "the waters of Mersey within the lordship of Liverpool;" only therefore, taking the whole of those documents together, it would appear to be quite clear that the extent of that grant was confined to an area which was within the waters of Mersey, as well as within the lordship and township of Liverpool, and could not be extended beyond those limits.

3598. What waters of the Mersey do you understand by that?—The waters of the Mersey to which I should apply it would be the waters to low-water mark, immediately opposite Liverpool; that is, the strand, co-extensive with the town and lordship of Liverpool proper.

3599. And I suppose the old pool that was in the middle of the lordship?—Yes.

3600. Sometimes called the Lake, in the entries of the corporation?—Sometimes it has been so called; it is apparent upon the old plans of Liverpool.

3601. Mr. *Horsfall.*] Do you find anything in any public document to justify the definition which you have now given of the waters of the Mersey, or showing that they are so confined?—Yes, I should say they are so confined; I know of no instance in which a grant of a lordship has extended beyond low water-mark; as a general rule, it would extend only to ordinary high water, but there are numerous instances in which it was very common for a grant of rights to lords of manors to extend to low water-mark; in some instances they were expressly granted even beyond that.

3602. You have given the Committee what you consider a definition of the waters of the Mersey?—Within the meaning of this grant.

3603. That is your opinion of the definition?—Yes, and it is an opinion which I have formed after a careful consideration of all the documents to which I had access.

3604. Mr. *Watson.*] Do you combine with those documents the fact of user?—No.

3605. Do not you know that that is the mode of construing ancient documents?—No.

3606. Do not you know that all ancient documents are construed with reference to contemporaneous user?—It has been held that the collection of tolls of this description is no evidence of the right of parties to receive them; I differ, of course, with great diffidence from you, but I think the doctrine of user is this: if you have to establish the presumption of a grant by evidence of user, then the user is evidence of the contents of that grant; but where a grant is produced, and is capable of construction, the construction being coupled with antecedent and contemporaneous documents, you would not allow user to interfere with that; contemporaneous user is applied to the construction of ancient documents in matters of doubt; I may say that the construction contended for by the Corporation of Liverpool is inconsistent with user, and also with co-existing grants; I may take, for instance, the shore of North Mylls.

3607. *Chairman.*] Where is that?—On the Lancashire shore, partly on the Irish Sea, and partly on the estuary of the Ribble.

3608. That is within the Customs Port of Liverpool?—That is within the Customs Port of Liverpool. I have in my possession a copy of a translation of an inspeximus in the reign of Henry the 8th, of grants made to the lords of that manor, and, amongst other things, the shore and the harbour are granted.

3609. Mr. *Watson.*] What are the terms of it?—That they have "inspected and thoroughly read all and singular the privileges, concessions and donations conceded to Richard Aghton, Esquire, and to his heirs, for ever, by the most powerful Prince William the Conqueror, then King of England; and also all the confirmations of all kings from the time of King William the Conqueror, together with the confirmation of the most illustrious and greatly to be dreaded Prince and Defender of the Faith, the last King Henry, the 8th of that name, the powers of which privileges, possessions of land, and all and singular the harbours

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within the domain of Richard Aghton, Esquire, aforesaid, as well by land as by water and sea, namely, from the Cross to le Hose, in the town of North Mylls, as far as Snotterston" (those are two places well known,) "and so to a distance at sea as far as one can see towards le Humber Barell, in the county of Lancaster, and also from tenants and other men, and all and singular within the said liberties, were and are fully free from all kind of jurisdiction and power of the Admiral of England, and of his officials whomsoever." Then, again, following that shore, when you get further, along the whole of the strand of the adjoining township of Hesketh-with-Becconsall (which is within the jurisdiction claimed by the Corporation of Liverpool), with the power of collecting wharfage and passing tolls, was vested in 1853 in the Ribble Navigation Company, so that there is a double means of taxation upon that portion of the river.

3610. Mr. *Watson.*] How is that vested in the Ribble Navigation Company?—By Act of Parliament.

3611. Mr. *Horsfall.*] What is that plan which you have in your hand?—A plan showing the boundaries of the Ribble Navigation.

3612. Of what is it a copy?—A copy of the plan defining the boundaries of the Ribble.

3613. Is it an authorised plan?—It is a copy of the plan defining the limits of the Navigation, which was deposited with the clerk of the peace of the county for the purpose of reference.

3614. What is the date of the Ribble Navigation Act?—The last Act is 1853; but there is a prior Act, an Act passed in the first year of Her present Majesty.

3615. Mr. *Watson.*] Is there any saving clause?—There is a saving clause, not to the Corporation of Liverpool, but, very curiously, to the trustees of the Liverpool Docks.

3616. Mr. *Horsfall.*] Have you the Act of the first of Victoria?—I have not. There was a prior one to that; the Act of the first of Victoria defined the limits, which I think the prior Act did not.

3617. *Chairman.*] Did you hear Mr. Schneider say that the Crown had resumed a right of anchorage enjoyed by his father-in-law; would that be in contravention of the claim set up to the rights of Liverpool?—Yes. I understand that Mr. Price claims to be entitled to the shores of Birkenhead; I know that keelage is claimed, and in some instances, paid, to the lord of the manor of Tranmere and Bebbington.

3618. Those are on the Cheshire shore?—Yes, and within the limits claimed by the Corporation.

3619. Do you consider that those different claims are in some degree inconsistent with the user set up by the Corporation of Liverpool?—Yes.

3620. Can you account for that user in any way?—I cannot.

3621. With what are the boundaries, within which the Corporation of Liverpool claim town dues, coincident?—They are coincident with the limits assigned for the collection of the Customs revenue.

3622. The limits of the Customs port?—Yes. I should mention with reference to that, that the Customs port was not defined, or, I may say, the port was not erected for that purpose until, I think, the year 1660, the grant to the Corporation of London being in 1629; that was 31 years previously.

3623. Is there anything else which you have to observe with regard to the limits of the port?—Some abortive attempts were made by the Corporation of Liverpool, prior to the grant, to obtain town dues. I can find no trace of any claim of town dues beyond the limits of the township of Liverpool, or rather the lordship of Liverpool, until 1572. On the 27th May 1672, the corporation obtained a lease for a thousand years from Caryl Lord Molyneux, and I find there is an entry in the town books, which was referred to by the witness who was first examined this morning, in which it was stated, that "All picards coming into this port and river, intending to go and convey up to Warrington or Frodsham, or any other creek within or belonging to the port of Liverpool, shall make their entry, and pay keel-toll and anchorage to Mr. Mayor's collector, appointed by the town council." That is this first mention I discover of any claim beyond the town and lordship of Liverpool proper; it was in 1572.

3624. Mr. *Duncan.*] I think you stated that the lease in 1555 was from year to year?—Yes; determinable at the will of either party.

3625. The next lease, in 1672, was for 1,000 years?—Yes.

3626. *Chairman.*]

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3626. *Chairman.*] With regard to the articles on which the dues are levied; have you any observation to make upon that point?—The observation I have to make in reference to that is, that the dues which are at present levied are levied upon a great number of articles of modern export and import that had no existence at the time when the dues that were granted by this grant were in existence, and could not have been levied. There is nothing which appears in the documents anywhere to fix or regulate the dues that are collected in Liverpool, particularly the modern dues, except the arbitrary will of the corporation themselves; they do not appear to be tonnage dues; there is nothing of an *ad valorem* character if such dues could have been levied. In fact, there is no criterion by which the modern dues can be assimilated to the ancient dues either as to weight or value, or rate of profit; and it has been laid down in all the decided cases, I believe, that dues of this description can only be levied where such dues are ancient.

3627. Mr. *Watson.*] Do you know the case of the Newcastle Trinity House with respect to charging modern importations at Newcastle?—I have not seen that case; certainly modern decisions have gone far to support all kinds of dues; but the doctrine laid down by Lord Hardwicke, in the case of the Trinity House *v.* Steben, would seem to establish a very different principle.

3628. What are you citing from?—From the Appendix to the Report of a Select Committee of this House on Lighthouses, in 1834, page 27. There is no published report of the case, but it appears that there was a note by Mr. Marriott, a barrister, and also a note by Mr. Cox. Mr. Marriot's opinion was, "that the statutes pleaded" (those were the statutes for the erection of lighthouses) "were very wholesome laws, and for the good of the public in general; yet it could not be doubted that the King may, in many cases, charge the subject by his letters patent. He may grant a new market or fair, or erect a new port, and grant duties to be paid in respect of them, because the subject has a consideration for the money he pays; yet regularly, in these cases, there shall first issue a writ of *ad quod damnum*; but there have been many instances of grants to erect lighthouses with tolls, by way of compensation for the expense of them; there have been a great number of such, and where they are erected in the sea, because there is no sheriff to direct the said writ of *ad quod damnum* to, the method has been to have subscriptions of navigators to the same purpose. That is the ancient and constant method, and was taken here. It was never doubted that these letters patent are good, and that the power of the Crown to do it is established by law; yet the duty laid must be reasonable, and if it is any other than only a proper and adequate compensation for the benefit received, the grant will be bad, and that will be a ground for a *sci. fa.* to repeal it as for deceit, or that may perhaps be objected to on action or bill brought for the duties." Then the note by Mr. Cox is this: "The bill in this case sets forth that the plaintiffs were incorporated to erect beacons and sea-marks, and were allowed to take such and such tolls from all vessels passing by the same, and prayed a discovery against the defendants, several fishermen, of the number of times of their passing and re-passing those marks, beacons, &c., and sets out that they, the plaintiffs, were empowered to erect those lights, beacons, &c., by a Statute of 8th Elizabeth. The defendants pleaded in bar the Statute de Tallagio of Edward the 1st, and the Bill of Rights, that no duty shall be raised or assessed upon the subject, but by Act of Parliament, and that the defendants by the common law are entitled to a free fishery: 7 Elizabeth. That where a beneficial Act of Parliament is made for the good of the public, it cannot be given by letters patent to particular persons: Lord Hardwicke. The Acts of Parliament here pleaded are fundamental and excellent laws in the constitution, but it is very certain that notwithstanding these statutes, the King may make grants by letters patent of markets, fairs, ports, &c., with power to take certain reasonable toll. The practice in such cases is to direct a writ of *ad quod damnum* to the sheriff, and on the return the market, &c. is granted, or not; and because these lights or beacons are erected in the sea, no such writ can issue, therefore in such case letters of subscription and navigation are issued; and if they are signed by a sufficient number of traders to make it appear that there is no inconvenience from it, the letters patent pass, with power to take toll, and the foundation of it allowed this. Notwithstanding the statutes that are pleaded is, that the public who are to pay the toll have a consideration for it; but in the present case it is sworn by the defendants that they are not the better for these lights; that the toll, if allowed, is so excessive, in their necessity of often

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passing the lights, that it must deprive them of the whole benefit of their trade. It is therefore material to consider whether this be a case within the King's letters patent or not; but as this must depend upon a matter of fact that must arise from evidence, it will be the fittest to reserve the consideration of it till the hearing. Ordered the plea to stand for an answer, with liberty to except."

3629. How does that show that petty customs cannot be levied upon modern goods, or goods introduced in recent times?—It shows that there must be a writ of *ad quod damnum*.

3630. How does that show that ancient petty customs cannot be levied upon modern goods?—Because anciently they must have been fixed and certain.

3631. How do you make out that ancient petty customs cannot be levied upon tea and cotton, which have been introduced in modern times?—Because there is no criterion by which the subject can be protected in fixing the tax.

3632. Do you know that they are levied in every port in England?—They may be levied in every port in England, but upon what ground I am not prepared to state.

3633. Do not you know that the Crown took petty customs upon the creation of a port?—If it took petty customs they must be fixed.

3634. I believe Bolton's case was with respect to cotton?—Yes.

3635. Is not cotton a modern introduction?—Evidence was given that cotton was included in the oldest tariff which was produced on that occasion.

3636. Is not a petty custom levied in every port in the kingdom on tea?—Tea was imported in the reign of Charles the First at the date of the grant.

3637. What is there in the words "all merchandise" to confine the right to merchandise which existed at the time of the creation of the port?—For the best reason, that this is a tax upon the subject which cannot be levied under a general power.

3638. That is your opinion?—Yes.

3639. *Chairman.*] Are you aware of Lord Hale's opinion upon that subject?—Yes; Lord Hale, at page 78 of *De Portibus Maris*, says, "All that I shall need to add concerning this is, that the duties settled in ancient ports by prescription ought not to be enhanced, nor enlarged beyond their usual rate or number; for it is part of that *jus publicum* that is vested in the commonalty, to have their access thither as freely as formerly was used. Upon complaint of the enhancing of ancient tolls and the accroaching of new in the port of London by the King's officers, the answer is, *Il pleist au roy que les auncient custumes y foient tenus, et nul novel imposition y foit misse*; and such an accroachment is punishable upon indictment by fine and imprisonment; for it was one of the articles in Eyre, as hath been formerly said, *de novis consuetudinibus levatis in regno, sive in terrâ sive in aquâ, et quis eos levaverit et ubi.*"

3640. Mr. *Watson.*] Do not you know that enhancing the toll means raising the amount of the toll?—No, adding to the number.

3641. Mr. *Milner Gibson.*] Do you know any authority that can be cited in favour of the power of levying duties upon new articles of import?—I know of none.

3642. *Chairman.*] Are you aware that the Corporation of Liverpool have ever increased their tolls?—It so appears from the documents to which I have referred.

3643. In 1674?—Yes; they have also added new tolls from time to time, as appears from the evidence which was given in Bolton's case.

3644. You being a lawyer know of no authority for that?—I know of none.

3645. It may be urged that this matter ought to be left to the parties aggrieved to fight out in a court of law; would that, in your judgment, be a remedy?—It would be no remedy as the amount paid by individuals is small; individuals are unwilling to encounter a corporate body, having almost unlimited funds to litigate with. I might illustrate the objection to such remedy by the case of the Corporation of London against Coombe, Delafield & Company. The litigation between those parties commenced, I believe, in the year 1836, relative to some rights of wharfage upon the River Thames, and after being in litigation for some 19 or 20 years, they had advanced so far only that they were waiting the decision of an appeal to the House of Lords upon an incidental question, whether or not the Corporation of London should produce certain documents which were necessary to the trial of the main question at issue. I might also allude to the proceedings

of

Corporation of Liverpool at the very time that this question arose with Mr. Bolton. A proposition was made by the solicitors of the opposing merchants to try the question in one action, but the corporation would not do that. They brought actions not only against Bolton, Ogden and Company, but against 56 other merchants. It was only by the interposition of the judge that the proceedings in those actions were stayed till the other action was tried.

3646. Mr. *Horsfall.*] Was not that done with the consent of the corporation?—No, it was upon a Judge's order.

3647. I think you stated, that in 1674 the tolls at Liverpool were increased?—Yes.

3648. Can you state upon what articles the tolls were increased at that time?—It appears in the bill of exceptions that Mr. Corrie, the collector, stated in evidence that when new articles were imported he fixed the rate upon them according to their nature and uses.

3649. What date was that?—He does not give the date.

3650. Then I presume you are not prepared to persist in that statement?—If I do not find a justification for it, I will withdraw it.

3651. *Chairman.*] What remedy do you propose for this grievance?—I do not know that any efficient remedy can be administered, save that of Parliamentary interference.

3652. What sort of Parliamentary interference; do you mean the abolition of the dues?—The abolition of the dues, except so far as they are necessary for the maintenance of the port of Liverpool.

3653. What do you say to the question of compensation?—I do not know what party is to be compensated for the loss of these dues, to which a duty was attached upon the receipt of them.

3654. Mr. *Horsfall.*] I presume, if the Corporation of Liverpool are prepared to show a clear legal title to these dues, you would not say that the dues ought to be taken away from them without compensation?—That would depend upon circumstances.

3655. I am putting the circumstance of their showing a clear definite title to the dues; would you then say that they ought to be taken away from them without compensation?—Being in the possession of a corporation *quâ* corporation, Parliament does interfere with the rights of corporations and with individual members of corporations when public expediency calls for it, in many instances; I am not prepared to say that the property of a corporation should be taken away without compensation.

3656. Mr. *Watson.*] Do not you know that municipal corporation property is held for the benefit of the inhabitants?—The surplus income, after paying the expenses, belongs to the corporation *quâ* corporation, and is to be held in trust for the benefit of the municipality; no doubt about that; there is already a provision in the 77th section of the Municipal Act, which states that the property which is vested in the corporation upon certain trusts shall be administered for the purposes of those trusts.

3657. Do you think it would be just and right and decent to take away from the inhabitatants of the town of Liverpool their property, which has existed for many years, supposing they have a legal title to it?—If it is necessary for the public good, I think it ought to be done.

3658. How do you differ the case of property belonging to many from the case of property belonging to one?—Property belonging to one is a limited description of property, and is held for the benefit of one, for his own particular purposes.

3659. Supposing the property is held for the benefit of 10,000?—I do not know who the 10,000 are for whom it is held.

3660. The inhabitants of Liverpool?—I do not see how it can be defined for whom it is held.

3661. You will find it defined in the 99th section?—I am acquainted with the 99th section, but the inhabitants are a transitory body; they change from day to day.

3662. Do you think that it would be a right, just and decent thing to confiscate this property, although it is the undoubted property of the Corporation of Liverpool?—I do not call it confiscation.

3663. What do you call it?—I call it the application of a fund placed in trust in the hands of a public body for the benefit of the public at large.

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3664. What will you do with it when it is taken away from the Corporation of Liverpool?—Exempt commerce from the burden, as commerce in other cases has been exempted from various burthens by the repeal of the navigation laws, the corn laws, and a variety of other enactments.

3665. Then you would entirely abolish the property the instant you take it from the corporation?—Yes; unless it is necessary for the maintenance of the port, in concurrence with which it was granted, and with the incidental obligation of keeping the port in order.

3666. Supposing the right to levy town dues had been purchased with the actual money of the corporation some years ago, do you still think it would be right to take away that property?—Yes; I think there is the less necessity in this case to be diffident about it, because the Corporation of Liverpool have greatly abused their powers.

3667. Have you looked into the question of the conservancy of the Mersey?—No, except from a general knowledge of the conservancy.

3668. When was that conservancy created?—I do not know; it exists at present, as it has existed for some time.

3669. Mr. *Horsfall.*] Has the Corporation of Wigan any property?—I am sorry to say it has not, except to a very trifling amount.

3670. Trifling as that amount may be, do you think it would be right, on the part of the Legislature, to take it away without giving compensation for it?—I do not mean to say that they are to take away other property of yours, such as land or houses.

3671. Mr. *Watson.*] Has the Corporation of Wigan any land?—Yes.

3672. Supposing it was extremely expedient, for the purpose of the Board of Trade, or any other object, do you think that land should be taken away from you without compensation?—I do not think it stands upon the same footing as the Liverpool town dues, which are a tax upon the public for which no service is rendered.

3673. Mr. *Milner Gibson.*] Perhaps you think it unreasonable that a portion of the industry of the people of Wigan should be considered the property of the Corporation of Liverpool?—I do not think it is just.

3674. *Chairman.*] Are your local taxes heavy at Wigan?—Very heavy.

3675. Do you know what they amount to?—At present we are paying from 8*s.* to 8*s.* 6*d.* in the pound in various taxes.

3676. Mr. *Fenwick.*] Does that include poor-rate?—Yes, it includes poor-rate.

3677. What are the local taxes, the paving, lighting, and municipal taxes?—I think the municipal rate at present collected is about 5,000 *l.* or 6,000 *l.* a year upon an assessment of 60,000 *l.*

3678. Not quite 2*s.* in the pound?—Yes.

3679. Mr. *Horsfall.*] Have you ever any disturbances at Wigan?—Very serious disturbances.

3680. On those occasions, I presume, you have no objection to apply to the Corporation of Liverpool for the assistance of their police?—We have never had the assistance of their police to my knowledge; we have had the assistance of the county police.

3681. Mr. *Cardwell.*] If you receive the assistance of the Liverpool police, would you object to pay for it?—No; we should be very glad if we had their assistance frequently.

3682. *Chairman.*] Are you aware that a part of the expenses of the Liverpool police is paid out of the dock dues?—I am not; I have heard it so stated, but I do not know the fact.

Lunæ, 9° die Junii, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Lord Hotham.
Mr. Horsfall.	Mr. Headlam.
Mr. Duncan.	Mr. Milner Gibson.
Mr. Vance.	Mr. Hardy.
Mr. Fenwick.	Mr. Watson.
Mr. Bouverie.	Mr. Cardwell.

The RIGHT HON. ROBERT LOWE, IN THE CHAIR.

Thomas Part, Esq., called in; and further Examined.

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3683. *Chairman.*] IS there any correction or addition which you wish to make to the evidence you gave on Thursday last?—Yes; on Thursday I could not meet with the instance in 1674, when an increase of toll took place; I have since discovered that it is in the evidence of Mr. Lowe, given before the Municipal Commissioners in 1833. It appears from that evidence, that there were three distinct tables of tolls which were known to be in existence; one was found in the corporation books of 1613; the second was on a brass plate, dated 1674, often referred to in the case.

3684. Mr. *Horsfall.*] Was the brass plate so dated, are you aware?—I will read the evidence: this is given from a statement, I should say of the case, by Mr. Statham, who was then town clerk of Liverpool. It is at page 252 of the proceedings before the Municipal Corporation Commissioners. "The earliest table of town's duties appearing upon the books, is one in the year 1613, a copy of which, and of another table in 1674, and of one in 1790, accompanying this case. In addition to the duties specified in the latter table, various other duties upon merchandize imported in consequence of the opening of new trades, are now taken. An extract is also left herewith from the council book, in the year 1535, and also an extract in the year 1772, relative to a sum to be taken for town's duties for certain goods, and extracts from the council books, at different times, from the year 1572 down to the year 1778 are also left, denoting in various ways, that different amounts or rates have been taken for town's duties, as fixed from time to time by the common council, the executive of the corporation; and amongst these extracts, in the year 1656, there appears an express order relative to rates and compositions to be taken for goods which might not have been mentioned or included in the ancient table."

3685. That says nothing about the date on the brass plate?—No; the date on the brass plate appears elsewhere. "Mr. Statham's extracts, however, which accompany the case, show the variations in amount, for he says, there was originally in 1613 a rate of 4*s.* per ton on iron, which in 1674 was 1*d.*, and in 1790 the same. The tallow, per ton, originally appears to have been charged 4*s.* per ton, which was in 1630, and was increased in 1674 to 5*s.*, in 1790 it was also 5*s.*, and so continued till that memorial was presented; it is now 1*d.* per cwt. instead of 3*d.* In some instances the rates are higher, and in some considerably less."

3686. *Chairman.*] That is one which has been increased?—Yes. Then Mr. Lowe goes on to say, "I have mentioned one, and there are many others; here is a very extraordinary instance, materially referring to this question; for every hamper the town dues was 1*d.*; in 1674 it was raised to 2*d.*, and went back again to 1*d.*, at which it remains; this is the charge whether it be a hamper of potatoes or a hamper of wine; though if it were found to be wine, it would probably be charged by the ton." It appears also from this report that there were three tables which were furnished by the Corporation of Liverpool in an answer to a suit in Chancery, by Bolton, Ogden & Co., showing the different articles upon which dues were taken, and the amount of the dues in 1613, in 1674 and in 1790. I have not been able to procure a copy of the schedule to the answer, but if it is not produced from any other source, I will procure it from the Record Office, and hand it in to the Committee.

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3687. Do you find anything about raising the anchorage?—Yes, there is something about raising the anchorage; I find this also in the evidence of Mr. Lowe, at page 269. "As regards the anchorage dues, you have already heard what is paid from that source; and as I was asked yesterday to point out an instance showing when any impost had been increased, I beg to refer you to that item. I have here a copy of the schedule to the answer to the bill filed by Messrs. Bolton, Ogden & Co., purporting to contain lists of the town dues as payable at various periods. The first list is taken from the brass plate, which has this date, 'Liverpool, 1674.' The duties upon articles specified in that plate, are those referred to by Mr. Statham in his case of 1824; he also refers, as you will recollect, to the statement of rates in 1613, but that was taken from the corporate books. Among the records of 1624, are tables of the custom and hallage duty on all goods and merchandize coming in and going forth; and for every vessel that anchors in the river, the due of 5*d.* was then payable. You have it stated in evidence yesterday, that the sum now receivable on foreign vessels is 1*s.* 6*d.*, and for every English vessel, 1*s.* 3*d.*, now here is this antique document, in which the charge is just 5*d.*" I wish to state with regard to the case of the Trinity House *v.* Steben, that the Acts of Parliament referred to by Lord Hardwicke in giving judgment in that case, were the statute 34 Edward 1st, *Tallagio non Concedendo*, the Petition of Right, 3d Charles 1st, and confirmation thereof, 16th Charles 1st. I was asked the other day by the honourable Member for Hull, in reference to the case of the Master Pilots of Newcastle-on-Tyne *v.* Hammond. I have since referred to that case which I had not then seen, and with the permission of the Committee I will read the marginal note, which is short.

3688. Was not that case cited to show that it was legal to impose dues on new articles?—No; I think it was meant to show that evidence of user was admissible under all circumstances to construe a written document.

3689. Mr. *Fenwick.*] Is that the case about silver?—No; I am quoting from 4th Exchequer Reports, p. 285, the Master Pilots and Seamen of Newcastle-upon-Tyne *v.* Hammond; the marginal note is, "A charter of James 2 granted to the Master Pilots and Seamen of Newcastle-upon-Tyne certain dues to be paid 'by all persons being owners of any goods which should be brought in any ship from beyond the seas into the River Tyne' in manner following, 'that is to say, aliens and strangers born, and other such persons who, with their ships, should arrive within the said port, and not belong to the same, before they depart with their said ships from the said port should pay the duties aforesaid; and every free merchant and other inhabitant of Newcastle arriving with their said ships within the River Tyne should pay the duties aforesaid within ten days after the landing of the goods as aforesaid, upon lawful demand.' The duties had always been paid by the importer: Held, that a person who gratuitously landed, entered, and warehoused goods for the owners who resided in London was an 'owner' within the meaning of the charter, and liable to the dues." Mr. Knowles and Mr. Watson were counsel for the plaintiffs, and I will read a short statement of what they say: "The plaintiffs' argument is fortified by the consideration that, if the word 'owner' were to be construed to mean the absolute owner, great difficulty would arise in finding out the real party to be made liable, for in many cases the owner lives at a distance. If there be any doubt as to the meaning of the word in dispute, the usage ought to be looked at."

William Shuttleworth, Esq., called in; and Examined.

W. Shuttleworth, Esq.

3690. *Chairman.*] YOU are Town Clerk of Liverpool, I believe?—Yes.

3691. Are you a solicitor?—Yes.

3692. Mr. *Horsfall.*] Will you state to the Committee how long you have been town clerk of Liverpool?—I have been town clerk since 1844.

3693. How long have you been connected with the corporation?—Permanently since 1832.

3694. What offices have you held under the Corporation of Liverpool?—Previously to my employment as town clerk I was deputy town clerk, and previous to that clerk to the borough magistrates.

3695. I presume you have, therefore, become conversant with the general title and affairs of the Corporation of Liverpool?—Yes.

3696. *Chairman.*]

3696. *Chairman.*] When did you become deputy town clerk?—In 1841, and clerk to the magistrates in 1834.

3697. Mr. *Horsfall.*] You have heard the evidence which has been given before this Committee; and although some of the witnesses who have been called, have professed their intention not to dispute the title of the corporation to the town dues, yet they have done so in effect, and others have done so in direct terms; is not that so?—Yes, I so consider.

3698. Have any statements and pamphlets been published, and circulated generally and especially amongst Members of Parliament on the subject, particularly by Mr. Heron and others, in which the title is directly impugned?—Yes, there have been pamphlets published, one of which I have in my hand.

3699. *Chairman.*] What is the title of that pamphlet?—It is entitled "Local Dues on Shipping, &c., Bill. Liverpool Town Dues. Case of Manchester and the surrounding Districts in favour of the Regulation and Due Appropriation of the Liverpool Town Dues, and against Compensation. Joseph Heron, Town Clerk of Manchester. R. H. Wyatt, Parliamentary Agent, 26, Parliament-street, 1856."

3700. Mr. *Horsfall.*] Will you read any extracts from that pamphlet which you think necessary?—In this pamphlet there is what appears to me to be an extract from a speech delivered by Mr. Heron, the town clerk of Manchester; he says with reference to the "Title to Dues," that is one of the headings, "He should say very little in reference to the alleged title; he thanked the mayor of Salford for what he had said, in every word of which he fully concurred; and would only add that the title of the Liverpool Corporation to these dues was rotten in the extreme; that it was involved in doubt, mystery and obscurity; and that they had not, within a comparatively recent period, according to the admissions of their own legal officers, the slightest idea of what their title really is." This pamphlet has been extensively circulated; and although Mr. Heron stated before the Committee, as I understood him, that he did not impugn the title, I think he does it in those words.

3701. The evidence which has been given before this Committee has also been published pretty generally, both in London and local papers, and will of course be published at length with the report of this Committee; if that evidence remains unexplained, will not the public suppose that the corporation have no answer to it?—I fancy that will be so.

3702. And you, therefore, consider it necessary to give the Committee a general history of the nature of these dues, and of the title of the Corporation of Liverpool to receive them?—Yes.

3703. To what extent are you prepared with that evidence?—I am prepared to show the origin of the dues from books of authority, and to bring down the title of the Corporation of Liverpool from the earliest times to the present. I do not mean to say that I propose to do it with the same particularity or to the same extent to which we should do it in a court of law; but I will give the Committee a general outline of the title, in order that they may have the full case before them.

3704. Do you propose to show the origin of the dues generally?—Yes.

3705. Has this property been dealt with by the Crown and the Dukes of Lancaster?—Yes, the dues have been dealt with by the Crown up to the time of the creation of the Duchy of Lancaster; from that time, as part of the revenues of the duchy, and subsequently to the amalgamation of the Duchy of Lancaster with the Crown, they have been treated as part of the Duchy revenues, separate and distinct from the general Crown revenues.

3706. Mr. *Headlam.*] When was the Duchy of Lancaster created?—In the time of Edward the Third. With reference to the nature of these dues, I would first of all quote two paragraphs from Lord Hale's *De Portibus Maris*. I am about to quote from Hargrave's Law Tracts, quarto edition, published in 1787, commencing at the bottom of page 53: "It is a part of the *jus regale* or royalty of the Crown of England originally, and *de novo* to erect public ports in this kingdom. As all franchises within the kingdom are derived from the Crown, either immediately and explicitly as by new erection, grant or charter, or presumptively and consequentially as by custom or prescription; so in a special manner are the ports and franchises thereof which are *ostia regni*," that is, as to the creation of ports. Then with reference to the Customs, which is in the same book, at page 125, he says, under the chapter, "Concerning the customs of goods imported and exported,"

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and, "the order and method of the whole ensuing discourse: Having in the former part, as preparatory to this, gone through the examination or history of the ports, I now descend to the history or narrative of the King's Customs, in which I shall proceed in the order ensuing. The Customs that have belonged to the Crown of England, as part of the revenue thereof, are of two kinds, viz., the Inland Customs or the Maritime Customs; the inland customs, as I may call them, are those prerogative revenues that arise within the land for the maintainance of the Royal state, of which some are ancient and fixed in the Crown; as goods of felons, fugitives and outlawed persons, waifes, strays, tolls of several sorts, &c.; some casual or occasional, as hideage, cranage, escuage, tallage of his demesnes, tenths of boroughs, fifteenths, subsidies, &c. The maritime customs were of two kinds, viz. such as were fixed and hereditary, or such as were casual and temporary. The fixed or hereditary seem to be of these kinds, viz.: 1. Such as are settled in the Crown by the common law; such as that of prisage. 2. Such as are settled in the Crown by special custom; such are those customs of ports that by prescription or usage are due to the King, or other lords of ports by derivation from him expressly by charter or implied by prescription. 3. Such as are settled in the Crown originally by Act of Parliament, as the great customs of wools, woolfells and leather. 4. Such as in their original were only by impositions, but by long usage have obtained the reputation of a right; as the custom of cloth." Then he gives others; I quote this for the purpose of showing the difference which Lord Hale makes between customs arising within the land and customs arising from ports.

3707. Mr. *Horsfall.*] I believe such customs are or were payable at all the ancient ports in the kingdom?—Yes, I believe they were.

3708. Will you read a list of those ports?—I have a list here of the ports at which ancient dues are collected: London, Rochester, Queenborough, Dover, Hythe, Hastings, Arundel, Chichester, Portsmouth, Southampton, Lymington, Cowes and Newport (Isle of Wight), Yarmouth, Exeter, Dartmouth, Saltash, Fowey, Falmouth, Penryn, Helford, Truro, St. Michael's Mount, Scilly, St. Ives, Barnstaple, Bristol, Cardiff, Swansea, Neath, Carmarthen, Haverfordwest, Beaumaris, Conway, Chester, Liverpool, Lancaster, Newcastle-upon-Tyne, Sunderland, Hartlepool, Stockton-on-Tees, Scarborough, Hull, King's Lynn, Orford, Ipswich, Harwich, Colchester.

3709. *Chairman.*] From whence is that list extracted?—Partly from the Report of the Shipping Dues Commission, and partly from other documents which I have.

3710. Your statement is, that ancient customs are payable at all those ports?—Yes, petty customs; and in many of those places the title of the corporations as the owners of the ports to receive such petty customs has been the subject of litigation at law, and their titles have been sustained.

3711. Do you refer to extracts amongst your papers from documents which were obtained with regard to other ports?—Yes.

3712. Mr. *Horsfall.*] What is the nature of the dues which are received by the Corporation of Liverpool?—The Corporation of Liverpool receive a due for anchorage, which is a due upon ships, and dues commonly called town dues, which are dues upon articles imported and exported.

3713. How long have those dues been paid in Liverpool?—They have been paid from the earliest period to which we can trace the history of the port.

3714. Have you caused searches to be made at the Duchy of Lancaster Office for charters showing a right to these dues?—Yes, I have, and in other places. I may state that the documents which I propose to produce are copies of ancient charters, grants, and leases, preserved amongst the public records.

3715. Have those copies been duly examined?—These copies have been examined by Mr. Hardy, of the Duchy Office, who is now present, and who will certify to the correctness of each document which I produce. He himself has made the translation of them.

Mr. *Hardy*, of the Duchy of Lancaster Office, stated that the copies of ancient charters, grants, and leases, which Mr. Shuttleworth was about to produce, had been collated and examined by himself, and that he had made the translations.

3716. To Mr. *Shuttleworth.*] What is the first document which you have to produce?—The first document I propose to produce is an extract from Doomsday Book,

Book, showing that the land now the site of Liverpool, was *terra regis*. The entry is to this effect: "In Chester-shire, the bishop of the same city holds of the "King that which appertains to his bishoprick. All the rest of the land of the "county the Earl Hugh holds of the King with his men. The land between the "Ribble and the Mersey, Roger of Poictou held. Now the King holds it." (*The same was read.* No. 1.) The next document which I propose to produce is dated 28th of August, 9th John, A.D. 1207. "King John's confirmation to Henry "Fitz Warine, of certain lands given to his father by King Henry 2d, and of "other lands given to him in exchange for Liverpool." I produce this for the purpose of showing that at the time of Henry the 2d, Liverpool belonged to the King.—(*The same was read.* No. 1 A.) The next document I produce is a charter of the 9th King John, dated 28th of August, A.D. 1207. "King John's "Charter of Liberties and Free Customs to those who wish to take Burgages in "the town of Liverpool."—(*The same was read.* No. 2.)

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Vide Appendix to Mr. Shuttleworth's Evidence.

Vide Appendix.

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3717. Will you explain the meaning of the words "free customs" in that charter?—The words "free customs" would include freedom from customs, and those who held burgages became burgesses, and therefore free from customs in the borough.

3718. *Chairman.*] Is it your intention to cite any authority for that meaning of the words "free customs"?—That is the opinion which those who have considered such documents generally hold.

3719. Mr. *Horsfall.*] Have you a charter of King Henry the 3d?—Yes; this is a charter of the 13th Henry the 3d, dated 24th of March, A.D. 1229, of liberties to the burgesses of Liverpool.—(*The same was read.* No. 3.) I would direct the attention of the Committee to the words, "And also that whatsoever merchants "shall come to the borough aforesaid with their merchandizes, of whatsoever place "they may be, whether foreigners or others, who shall be in our peace, or shall "come into our realm by our license, may safely and securely come to our afore-"said borough with their merchandizes, and there safely dwell, and thence safely "depart, rendering therefor the right and due customs."

Vide Appendix.

3720. *Chairman.*] That would be to the king at that time?—Yes; the same day on which that charter is granted he grants a lease of the town to the burgesses of Liverpool, which is the next document I propose to produce. This is a lease of the 25th of March, 13th of King Henry 3d, to the men of Liverpool, of the town of Liverpool, to be held at farm from the Feast of St. Michael, 13th Henry 3d, unto the end of four complete years, rendering therefor 10*l.* per annum, &c.—(*The same was read.* No. 4.)

Vide Appendix.

3721. Mr. *Horsfall.*] Have you also a grant from King Henry 3d to Ranulf Earl of Chester?—Yes.

3722. Will you produce it?—Yes; it is dated 19 October, 13th Henry 3d, A.D. 1229, and is a grant from King Henry 3d to Ranulf Earl of Chester of the whole land between the Ribble and the Mersey, including the borough of Liverpool, with the appurtenances, the town of Salford, &c.—(*The same was read.* No. 5.)

Vide Appendix.

3723. After the death of Ranulf Earl of Chester, the borough of Liverpool, with all his estates between the Ribble and the Mersey, passed to his sister Agnes de Ferrars, Countess of Derby, and subsequently to her son William de Ferrars, and her grandson Robert de Ferrars, both Earls of Derby; is not that so?—It appears to have been so from the documents; Mr. Hardy can state that that is the fact. For the purpose of showing it, I produce an extract from the Close Roll of 17th Henry 3d, membrane 16:—"Partition of the estates among the heirs of "Ranulf, late Earl of Chester, and (among others) that William de Ferrars Earl "of Derby, who married Agnes, sister of the said Ranulf Earl of Chester, shall "have the lands that the aforesaid Earl had between the Ribble and the Mersey;" that is dated 17th Henry 3d, 1233.—(*The same was read.* No. 6.)

Vide Appendix.

3724. Do you produce the Fine Roll of 26th Henry 3d, Part 1, Membrane 16?—Yes; this is dated 4 February, 26th Henry 3d, 1242. "William de Ferrars Earl "of Derby pays to the king a fine of 100*l.*, to have seisin of three wapentakes "between Ribble and Mersey, viz., West Derby, Leyland, and Salford."—(*The same was read.* No. 7.)

Vide Appendix.

3725. Do you now produce a grant of wardship of the 38th Henry 3d, 1254?—Yes; this is dated 15 April, 38th Henry 3d, 1254. "King Henry 3d grants to his "son Edward, the wardship of the lands and heirs of William de Ferrars Earl of "Derby until their majority." (*The same was read.* No. 8.)

Vide Appendix.

3726. Will you now produce the Rolls of the Exchequer, 1257?—This is an extract,

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extract from the roll of accounts of the Lord Edward, 41st Henry 3d, 1257. "The "bailiffs of the Lord Edward account (*inter alia*) for Liverpool and its members "for 10*l.* for the town of Liverpool put at farm, with tolls, stallage, passage, two "water mills, one windmill," &c.—(*The same was read.* No. 9.)

Vide Appendix.

3727. Do you produce a document showing that in 1266, Robert de Ferrars was attainted for rebellion, and what became of the property afterwards?—On the 5th of August, 50th of Henry 3d, A. D. 1266, the King granted to his son Edmund all the castles, lands and tenements of Robert de Ferrars.—(*The same was read.* No. 10.)

Vide Appendix.

3728. Do you produce a mandate of the 51st of Henry 3d, 1267?—Yes; this is a mandate to the tenants of the late Earl of Derby, notifying a grant by the King to his son Edmund, of all the lands of the said Earl. Dated 3 January, 51st Henry 3d, 1267.—(*The same was read.* No. 11.)

Vide Appendix.

3729. Do you now produce an Inquisitio Post Mortem of the 26th of Edward the First?—Yes; this is an inquisition after the death of Edmund Earl of Lancaster, by which it was found that the rents of assize of Liverpool are worth by the year 8*l.* 7*s.* 6*d.*, and the herbage of the garden, &c., 10*s.*, and the passage over the Mersey 26*s.* 8*d.*; the fairs and tolls of the market with foreign tolls, are worth about 10*l.* a year, &c. Dated 9th April, 26th Edward 1st, A.D. 1298.—(*The same was read.* No. 12.)

Vide Appendix.

3730. Have you any minister's account or other evidence, as showing the receipt of tolls of the town as distinct from customs of anchorage?—I produce an extract from ministers' accounts of the 22d of Edward 3d, A.D. 1348.—(*The same was read.* No. 13.)

Vide Appendix.

3731. Do you now produce a lease from Henry Duke of Lancaster of the 24th of March 1354?—This is a lease dated 24th of March, 28th of Edward 3d, 1354, from Henry Duke of Lancaster to William Fitz Adam, and others, of the town of Liverpool, &c.—(*The same was read.* No. 14.)

Vide Appendix.

3732. *Chairman.*] Do you show by any document how the title got into Henry Duke of Lancaster, or have you done so?—Henry the 3d granted it to Edmund his son, and then Henry Earl of Lancaster granted two leases of his rights to Liverpool.

3733. You show his title by the fact of his exercising the rights of ownership; you do not show it by documents?—No.

3734. Mr. *Horsfall.*] Referring to the lease from Henry Duke of Lancaster to William Fitzadam and others, dated the 24th of March 1354, will you state your opinion as to what would pass under that lease?—Under this lease the whole "of the town of Liverpool with the appurtenances, including the whole toll of "the town aforesaid; to take the same as of old it was accustomed to be taken, "together with all other profits to us pertaining in the same town, saving the "orchard under the castle and herbage, wreck of the sea, waifs and strays, and "forfeitures of lands, &c., rendering 50 marks." All the royalties not excepted would pass under that lease.

3735. Do you produce a confirmation of that lease by John of Gaunt, Duke of Lancaster?—Yes; this is dated the 18th of November, 48th Edward 3d, A.D. 1374. The town of Liverpool, with all the profits of the same, let to farm to William Fitzadam of Liverpool and others.—(*The same was read.* No. 15.)

Vide Appendix.

3736. Have you a lease made by John of Gaunt of the profits of the town?—Yes.

3737. Will you produce it?—Yes; it is dated 10 August 1394. John of Gaunt granted "to Thomas de la More and others, our town of Liverpool, and "certain rights including waifs and strays, wreck of the sea, and all other profits "to the said town belonging as well by sea as by land," to hold for 17 years, rendering 57 marks of silver. (*The same was read.* No. 16.)

Vide Appendix.

3738. Did the king confirm that lease?—Yes.

3739. Was any claim made upon the corporation in respect of profits under this lease at any time?—Yes. I now produce a document dated 17th Richard 2d, A.D. 1393; it is indorsed "Valor of the Lands of the Duke of "Lancaster, North Parts; Liverpool at farm for 38*l.*"—(*The same was read.* No. 17.)

Vide Appendix.

3740. Do you produce a mandate from the registry book of Lancaster, dated 1420?—Yes; this is "Mandate to the Steward of the Wapentakes of Salford "and Derby, commanding him to cause to be distrained all those who have been "mayors and bailiffs of Lyverpull from the time of the kings coronation until "now

" now, that they be before the barons of the Exchequer to render account from " the time they have holden the King's Court at Lyverpull, and for the toll and " other profits by them levied in the mean time; 12th February, 7th Henry 5th, " 1420." (*The same was read.* No. 18.) *W. Shuttleworth*, Esq. 9 June 1856.

3741. Do you produce a mandate to William Garnett of 9th Henry 5th, 1421?—Yes; it is dated the 15th of July 1421; it is a mandate to William Garnett, steward of our wapentake of West Derby; as to letting the town of Liverpool to the men of Liverpool to farm for one year at 23*l.*, &c.—(*The same was read.* No. 19.) *Vide* Appendix.

3742. Do you produce from the records of the duchy of Lancaster a copy of a lease of the 22d Henry 6th, 1444?—Yes; this is a lease dated 15 February 1444, from the king to Thomas Latham, for five years of the fee-farm of the town of Liverpool, except the park of Toxteth, &c., and the prisage of wines within the port of the town aforesaid.—(*The same was read.* No. 20.) *Vide* Appendix.

3743. What is meant by the exception of the prisage of wines?—I presume that under a lease of that description, except the prisage of wine, all the other royalties not excepted would pass.

3744. Have you any other accounts or leases?—The minister's accounts of the time of Henry the 6th show that Liverpool was let to the burgesses; this is a translation of the account of the farm of the town of Liverpool, rendered to the King by the mayor and burgesses as the farmers there; it is dated Michaelmas 33d and 34th Henry the 6th, A.D. 1454-5.—(*The same was read.* No. 21.) *Vide* Appendix.

3745. Do you produce a lease of the 6th of Edward the 4th, 1466?—Yes; this is a lease dated the 20th September, 6th Edward 4th, 1466, from the king to Robert Orrell and his assigns for seven years, of the town or lordship of Liverpool, with all its appurtenances, at the rent of 14*l.*—(*The same was read.* No. 22.) *Vide* Appendix.

3746. Do you produce a lease of the 11th Edward 4th, 1472?—Yes; this is dated 24th February, 11th Edward 4th, 1472, and is a lease from the king to Edmund Crosse of the town of Lytherpole, with all franchises, customs, and liberties whatsoever, and all appurtenances anciently due or belonging, for 12 years, at 14*l.* rent, per annum.—(*The same was read.* No. 23.) *Vide* Appendix.

3747. Do you produce a lease of the 14th of Edward the 4th, 1475?—Yes; this is a lease dated 20th February, 14th Edward 4th, 1475, from the king to Henry Crosse of the town and lordship of Lytherpool, with the appurtenances, &c., for 10 years.—(*The same was read.* No. 24.) *Vide* Appendix

3748. Do you produce a lease of the 3d of Henry the 7th, 1488?—Yes; this is a lease dated 14th May, 3d Henry 7th, 1488, from the king to David Griffith, of the town and lordship of Liverpool, with the appurtenances, for seven years at the rent of 14*l.* per annum.—(*The same was read.* No. 25.) *Vide* Appendix.

3749. Do you produce a lease of the 17th of Henry 7th, 1502?—Yes; this is a lease dated 16th July, 17th Henry 7th, 1502, from the king to David Griffith of the town and lordship of Liverpool, with the appurtenances for seven years, at the rent of 14*l.* per annum. *The same was read.* No. 26.) *Vide* Appendix.

3750. Do you produce a lease of the 20th of Henry 7th, 1505?—Yes; this is a lease dated 4th March, 20th Henry 7th, 1505, to David Griffith, Alice his wife, and Robert their son, for 21 years, of the town and lordship of Lytherpole, &c., at the rent of 14*l.* per annum.—(*The same was read.* No. 27.) *Vide* Appendix.

3751. Do you next produce a lease of the 16th of Henry the 8th, 1524, of the town and lordship of Liverpool, with the appurtenances and tolls of markets and fairs?—Yes; this is a lease dated 2d December, 16 Henry 8th, 1524, to Alice Griffith, widow, and Henry Akers, of the town and lordship of Liverpool, with the appurtenances, with tolls of the markets and fairs there for 21 years from Michaelmas 1526. (*The same was read.* No. 28.) *Vide* Appendix.

3752. *Chairman.*] Is Alice Griffith the same as Alice Gruff?—I fancy so.

3753. Mr. *Horsfall.*] Do you now produce a lease of the 20th of Henry 8th, 1528?—Yes; this is a lease dated 30th April, 20th Henry 8th, 1528, from the king to Alice Griffith, widow, and Henry Akers, of the town and lordship of Liverpool, with the appurtenances, with toll of the markets and fairs there, and also the farm of the customs and anchorage, or keyltoll of the water of Mersey, within the lordship of Liverpool for 20 years. Rent of ancient farm 14*l.*, with 6*s.* 8*d.* of increase.—(*The same was read.* No. 29.) *Vide* Appendix.

3754. Have you a sub-lease of that property?—That will be produced after wards.

3755. Will you produce a commission of the 6th of Henry 8th, 1514?—Yes;

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—Yes; this is dated 20th June, 6th Henry 8th, 1514, and is a commission from king Henry the Eighth to Sir William Molyneux, knight, steward of the town of Liverpool, and others, to inquire as to the tolls and customs of all merchandize there bought or sold.—(*The same was read.* No. 30.)

Vide Appendix.

3756. *Chairman.*] Was there any return to that commission?—(Mr. *Hardy.*) I do not find any return. Returns at that period to similar commissions are not extant at all.

3757–8. Mr. *Horsfall.*] (*To the Witness.*) What legal proceedings appear to have been taken against the Liverpool Corporation by the Molyneux family?—In 1555 there was a suit instituted by Sir Richard Molyneux against the Corporation of Liverpool, in the Duchy Court of Lancaster, and I now put in the pleadings in that cause.—(*The same was delivered in.* No. 31.)

Vide Appendix.

3759. What was the decree?—The decree is, that the corporation had no title, but that those dues and other charges and profits of the town of Liverpool, appertain to the Crown from early times, and were then in the Molyneux family, under lease, and an injunction was granted to restrain the corporation from further intermeddling in the matter.

Vide Appendix.

3760. *Chairman.*] Is that a perpetual injunction?—Yes; it is at great length.—(*The decree was delivered in.* No. 32.)

3761. Mr. *Horsfall.*] Have you any explanation which you wish to offer upon that?—Upon that suit the documents appear to establish that the right was in the Crown, and under lease from the Crown in the Molyneux family, and by subsequent documents the corporation purchased all that the Molyneuxes had, and all the Crown had granted; therefore, the corporation of course would have all that was there decreed to be in the Crown and in the Molyneuxes.

3762. *Chairman.*] Do you propose to give any evidence of the previous title of the Molyneuxes?—I shall have to do so. It appears from these leases that Sir Richard Molyneux had the property in 1586, in the reign of Queen Elizabeth, and in 1604, in the reign of James the First.

3763. He had it before this suit, had he not?—Yes; I propose to produce the documents.

3764. The suit was occasioned by the lease for 41 years, which he obtained, and which alarmed the corporation, was not that so?—There appear to have been a variety of disputes between the Molyneuxes and the corporation at that time, both in respect to this particular property, and in respect of wastes and other properties. The lease of the 2d of James the First, is a lease from the Crown to the Molyneuxes, who held under that lease until the year 1628.

3765. What was the term of that lease?—King James's lease was for 41 years.

3766. It was not spent in 1628?—No.

3767. Have you that lease of the 2d of King James?—Yes. This is a lease dated 10th May, 2d James 1st, 1604, of the town and lordship of Liverpool, with the tolls, &c., from the King to Sir Richard Molyneux, Knight, for 41 years, to commence from the expiration or surrender of a former lease granted to him by Queen Elizabeth, at the same rent of 14 *l.* 6 *s.* 8 *d.*—(*The same was read.* No. 33.)

Vide Appendix.

3768. Mr. *Horsfall.*] I believe you are prepared to produce a document dated 1628, the 4th of Charles 1st, reciting a loan by the citizens of London to his father King James and himself?—Yes. This is an office copy of the grant of King Charles the First, dated 9th September 1628. It recites a loan by the mayor and commonalty and citizens of London to Lord James the then late king and also to King Charles after his coming to the Crown, of 229,897 *l.* 2 *s.* And reciting a contract between "King Charles and the mayor and commonalty and "citizens of London for a further loan of 120,000 *l.*, and for which the King had "granted certain manors, lands, tenements, and hereditaments of the yearly value "of 12,496 *l.* 6 *s.* 6 *d.*; and also reciting a contract for a further loan of 25,000 *l.* "by the mayor and commonalty and citizens, the said King Charles in further "fulfilment of the agreements and premises in the said several contracts specified, "and at the humble petition, nomination, and requisition of the said mayor and "commonalty and citizens of London, did give and grant to Edward Ditchfield, "John Heighlord, Humphrey Clarke, and Francis Mosse, their heirs and assigns "for ever, with other manors, lands, &c.;" a great number of the lands are specified, "All that the town and lordship of Litherpoole, parcel of the honor of Lancaster,

"in

"in the aforesaid county of Lancaster, with every of their rights, members and "appurtenances; and all that boat and passage over the water of Mersey there, "and the butchers' shambles in the said town of Litherpoole; and also all stal- "lage and tolls of the market and fairs with the perquisites of courts in Lither- "poole aforesaid; and all customs, anchorage and keytowle of the water of "Mersey aforesaid, and within the aforesaid town or lordship of Litherpoole "aforesaid, then or late in the tenure or occupation of Richard Molyneux, knight, "or of his assigns, by a particular thereof mentioned to have been of the yearly "rent or value of 14*l.* 6*s.* 8*d.*, and to have been parcel of the lands and posses- "sions of the ancient Duchy of Lancaster; and also all and singular farms, mes- "suages, cottages, mills, houses, edifices," going on at great length. Then the same grant grants courts leet, views of frank-pledge and other matters. Then the grant contains these words to be held "as fully, freely and entirely, and in as "ample manner and form as the said King Charles or any of his progenitors or "ancestors, then late Kings and Queens of England, the premises by the now "abstracting indenture of grant before granted, or any parcel thereof, had, used "or enjoyed, or ought to have had, used or enjoyed." (*The same was delivered in.* No. 33 A.) Under this grant there was reserved to the King a rent of 14*l.* 6*s.* 8*d.*, and that rent continued to be paid by the Molyneux family until the year 1670; in that year there was an entry in the receiver's accounts for half a year's rent.

Vide Appendix.

3769. *Chairman.*] Is there no mention in the habendum of the Duchy of Lancaster?—"To hold the aforesaid town of Litherpoole, by the now abstracting "indenture of grant before granted as parcel of the aforesaid Duchy of Lancaster, "or to the same Duchy mentioned to be annexed, with every their rights, mem- "bers and appurtenances to the said King Charles his heirs or successors, as of "the manor of Enfield, in the county of Middlesex, by fealty only, in free and "common socage, and not by capite nor by military service in fee-farm for ever."

3770. Mr. *Hardy.*] "Or any Duke of Lancaster;" I suppose that applies to the lord of the manor?—Those words apply to the lord of the manor.

3771. It does not specify which are held as Kings and which as Dukes of Lancaster?—No; there are some hundreds of manors mentioned in the grant.

3772. Mr. *Horsfall.*] Will you produce the lease of 1672 to the corporation for 1,000 years?—I should say that this grant having been made to Ditchfield and others, they were trustees for the citizens of London, and the citizens of London sold those various manors which they had acquired to different people, and they sold the lordship of Liverpool to the Molyneux family, and in the year 1672 Lord Molyneux granted a lease to the Corporation of Liverpool of that property for 1,000 years at a rent of 30*l.*, reserving the burgages and the passage of Mersey. The corporation held under that lease until the year 1777, when they purchased from Lord Molyneux his reversion expectant on the determination of this lease, of which at that time there were about 900 years to run.

3773. What amount did the corporation pay for that reversion?—The amount the corporation paid for that reversion and the rent was 2,250 *l.*, the lease then having 900 years to run.

3774. He considered that payment for the reversion a sufficient consideration, I presume?—He considered it so; it must have been a very large sum, indeed, to have paid for the reversion of a lease with 900 years to run. Upon the purchase in 1777, Lord Molyneux conveyed the property as trustee (it had been the subject of trust) to the corporation; I have that conveyance, and it recites the grant of 4th King Charles 1st, and the bargain and sale from Ditchfield and others, who were trustees for the citizens of London, to Walmsley and others, who were trustees for Lord Molyneux, subject to the reserved fee-farm rent of 14*l.* 6*s.* 8*d.*. It also recites, "That by indenture, dated the 22d March 1670, "and made between Francis Lord Hawley and others therein described as "trustees for the sale of fee-farm rents and other rents of the Crown of the one "part, and John Farnworth of the other part, the trustees in pursuance of the "trust in them reposed, and of an Act for advancing the sale of fee-farm rents "and other rents, and of the instructions to the said Act annexed, and in obe "dience to the order of the Treasury, and in consideration of 251*l.* 17*s.* paid to "his then Majesty at the receipt of the Exchequer, and of 5*s.* paid to the said "trustees, did grant, &c., to Farnworth the fee-farm rent reserved in the letters "patent or grant of King Charles," that was the 14*l.* 6*s.* 8*d.* The deed further recites, that the amount paid to these trustees by Farnworth was the proper money of Lord Molyneux, for whom Farnworth was a trustee, The deed conveys to the

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corporation all the rights and interests of Lord Molyneux in the fullest possible manner.

3775. Can you produce a copy of that deed?—I will produce those conveyances at the next meeting of the Committee.

3776. Is there any record of any lease between 1557 and 1672?—No; in 1557 Sir Richard Molyneux granted a lease to the Corporation of Liverpool for a year, and so from year to year; it appears that the corporation held under that lease until they got the lease for 1,000 years in 1672.

3777. Have you any entry in the Corporation records concerning Liverpool during the Civil War?—The Molyneuxes do not seem to have had entire possession all the time during the Civil War. I suppose the Molyneuxes had taken an active part against the Parliament, and in 1645 this entry appears in the records of the Corporation of Liverpool, and I have no doubt also in the Parliamentary records: "Whereas a windmill and ferry boats, formerly belonging to the Cor- "poration of Liverpool, were lately in the possession of Richard Lord Molyneux, "who is in hostility against the Parliament, and by his power with the Lord Cot- "tington (late minister of the court of wards and liverys), brought a vexatious "suit against the corporation, to their great damage and impoverishment: and "whereas all the writings and ancient records belonging to the said corporation "were taken away when that town was taken by the enemy, considering the "exceeding great losses and sufferings of the said town, and to the end that the "ancient rights of the said corporation may be restored, and those privileges "whereof they are and long have been in possession, may be continued and "remain inviolable; the Lords and Commons assembled in Parliament do order "and ordayne, and be it ordered and ordained, that the said corporation shall "have, hold and enjoy the said windmill and ferry-boats, and the rent of 20*l.* per "annum, formerly paid by the said corporation to the said Lord Molyneux, till "both Houses take further orders: And be it further ordered and ordained, that "all other the rights, powers, privileges, liberties, and franchises whatsoever, "contained in the charters of the said corporation, shall be and continue to the "said corporation, saving to the King's Majesty, his heirs and successors, and all "other person and persons, bodies politic and corporate, other than the said Lord "Molyneux and his heirs, all their rights, titles, and interests whatsoever." Before proceeding further, I wish to put in four grants of a different sort, relating to a different matter, which have been from time to time granted by the sovereigns to the inhabitants of Liverpool for the purpose of special objects; namely, paving. Those were grants made for a limited number of years, authorising them to take certain tolls which are specified, for the particular purpose of paving and so on. I wish the Committee to keep in mind a clear distinction between those grants and the others. The first of those grants was dated 7th February, 2 Edward 3d, A.D. 1328, and is the King's grant to the bailiffs and men of the town of Liverpool of licence to take certain customs for three years from the date, in aid of paving the said town.—(*The same was read.* No. 34).

Vide Appendix.

3778. *Chairman.*] That was a sort of octroi duty?—Yes, I fancy so; there are three other grants of a similar effect which I will put in. There is one dated the 14th June, 5 Richard the 2d, A.D. 1382; that is for six years. There is another, dated 16th February, 10 Edward the 3d, A.D. 1336; that is for three years. The fourth is dated 21st April, 31 Edward the 3d, A.D. 1357; that is for two years.—(*The same were delivered in.* Nos. 35, 36, 37.)

Vide Appendix.

3779. Mr. *Duncan.*] Those paving dues were supposed to be granted one for three years, and a second for six years?—Yes; there are different periods. One is for four years; they were temporary grants for a temporary purpose.

3780. Mr. *Horsfall.*] Will you state to the Committee what you consider passed to the corporation under those various grants and leases?—It has been stated before the Committee, as I understand the argument, that those words conveying the town and lordship of Liverpool do not extend beyond what may be called the manor of Liverpool. Now I find, so early as the year 1292, a document showing that the port of Liverpool then extended beyond the borough. As I understand, it is contended that the port of Liverpool, so far as respects any rights of the corporation, does not extend beyond the manor of Liverpool. In the 20th of Edward the 1st, in the year 1292, "Pleas of the Crown, before Hugh "de Cressingham, &c., Lancashire. The township of Liverpool comes by 12 "jurors, concerning the wreck of the sea. They say that a certain ship belong- "ing to Peter le Poer, was wrecked in the Port of Liverpool, in a certain place "called

"called Crossby's Short, and Wm. de Alkmunbury detains the same," &c.—(*The same was read.* No. 38.)*

3781. Where is Crossby's Short or Crosby?—Near the mouth of the River Mersey, facing the Irish Sea; it is three or four miles below the old boundary of the borough of Liverpool, and more that that.

3782. *Chairman.*] To the north of Liverpool?—Yes.

3783. Mr. *Horsfall.*] Is it not six or seven miles?—There are two; one now called Great Crosby, and the other Little Crosby. There are two townships which extend a very considerable distance along the sea-board to the northward. I should say the nearest point would be four or five miles from the old borough of Liverpool, or any part of it.

3784. When is Liverpool first mentioned as a port?—We cannot produce the original document, but it is mentioned in that document which I have just read, of 1292, as the "Port of Liverpool." It is mentioned in some other of the documents I have put in, as "the port of the town of Liverpool," in those early times.

3785. *Chairman.*] Do you contend that the grant of Charles 1st passed the port?—Yes.

3786. Mr. *Horsfall.*] When is the mayor of Liverpool first mentioned?—The first mention of a mayor of Liverpool occurs in a letter from King Edward 3d, dated the 19th of May 1356. There are several entries, mandates, and documents, which I propose to produce.

3787. Do you produce a mandate of Edward 3d, 1327?—Yes; it is dated 3d April, 1 Edward 3d, A.D. 1327, and is a "Mandate to the constable of the "castle of Dover, the warden of the Cinque Ports, and to the head officer of "many other ports, including the bailiffs of Lyverpol, commanding them not to "permit any abbots or other religious persons to pass out of the kingdom, through "the port aforesaid, without licence."—(*The same was read.* No. 39.) *Vide* Appendix.

3788. What other mandates were issued?—There is a mandate of the 7th of Edward 3d. It is dated June, 7 Edward 3d, A.D. 1333, and is a mandate to William de Clynton, Constable of Dover Castle, Warden of the Cinque Ports, and to other heads of ports, to detain ships in the ports and places within their bailiwicks, in consequence of war with the Scots; amongst these, "To the "bailiffs of the town of Liverpool."—(*The same was read.* No. 40.) *Vide* Appendix.

3789. Do you produce a mandate of the 9th of Edward the Third, 1335?—Yes; I have one here dated the 7th of February, 9 Edward 3, A.D. 1335, which is a mandate to the heads of various ports to provide ships of war for Scotland; amongst these ports two ships are assigned for William de Werdale, in the port of the town of Lyverpole.—(*The same was read.* No. 41.) *Vide* Appendix.

3790. Do you produce any further mandate?—There are other mandates in the time of Edward 3d. There is one of the 26th of July, 30 Edward 3d, A.D. 1356, which is the King's mandate to all admirals, sheriffs and others, to be aiding to the four persons named (among whom is William Fitz Adam, of Liverpool) assigned to take ships for the passage of Thomas de Rokeby, the justiciary of Ireland, in the ports of Conway, Beaumarys, Chester, and Liverpool.—(*The same was read.* No. 42.) *Vide* Appendix.

3791. You have another mandate, I think, of the 35th of Edward 3d, 1361?—Yes; it is dated 10th May, 35 Edward 3d, 1361, and is a mandate to the Chancellor, &c., of Ireland, requiring them to send ships to the ports of Lytherpole and Chester, for the conveyance of the Earl of Ulster to Ireland.—(*The same was read.* No. 43.) *Vide* Appendix.

3792. *Chairman.*] Is there not a mandate of the 39th of Edward 3d, which speaks of Birkenhead as a port?—I have not seen any.

3793. At pages 164 and 165 of Mr. Baines' History of Liverpool, there is a general order to arrest ships and shipping. Then it goes on to mention a vast number of places, and amongst others, Birkenhead and Liverpool; that appears to have been in the 39th of Edward 3d. You have not got that?—No.

3794. Mr. *Horsfall.*] Do you produce a charter of the 25th of Edward the 3d?—Yes.

3795. Perhaps you will explain that charter to the Committee?—In the reign of Edward 3d, Henry, fourth Earl of Lancaster, was created Duke of Lancaster, and the county of Lancaster was created into a county palatine, and this is a patent creating that dukedom and palatinate, and by it the Duke of Lancaster is invested with all other liberties and *jura regalia* to a county palatine pertaining, as wholly and fully as such liberties, &c., are in the county palatine of Chester held

* *Vide* Appendix.

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held by the Earl of Chester. It is dated 6th March, 25th Edward 3d, 1351. (*The same was read*, No. 44.*)

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3796. Mr. *Horsfall.*] What evidence have you of the exercise of jurisdiction over the waters of the Mersey?—Amongst the records of the corporation is an entry of an inquisition held on the 7th day of October 1659, before Thomas Blackmore, alderman of Liverpool, and coroner within the limits and the precincts of the said borough, after the death of Robert Greene, now late corporal of Major Bolton's troop, &c. Under an old charter of the corporation the person who last held the office of mayor was the coroner, and Thomas Blackmore would be the coroner of that year, and he held an inquest upon the body of a person who was drowned in passing Birkett Pool, as it is described. At that time, and until recently, a coroner could hold inquests only where the cause of death occurred, and not where the body was found, as it now is.

* *Vide* Appendix.

Vide Appendix.

3797. Do you produce that inquisition?—Yes. (*The same was read*, No. 45.) Birkett Pool, I believe, is, the pool now called Tranmere Pool; it is between Birkenhead and Tranmere.

3798. Have you any record showing that the port of Liverpool is comprised within the expression, "the lordship of Liverpool"?—I believe from an examination of all those documents that the port of Liverpool has been incident to the lordship from the earliest times.

3799. Do you produce any documentary evidence in confirmation of that statement?—In the year 1567 there is an entry in the records of the corporation. "Itm. We fynd that the watter balie shall have the kealtolle of all straungers accordyng, as it was of old custome." I produce that entry for the purpose of showing that the corporation had a water bailiff, and therefore were exercising jurisdiction over the water.

3800. *Chairman.*] The corporation were at that time the lessees of the Molyneux family, were they not?—Yes.

3801. Mr. *Horsfall.*] Have you any other document to produce having reference to vessels belonging to Wallasey and Formby?—There is an entry which the right honourable gentleman in the chair referred to the other day; it is given in the evidence of Mr. Lowe before the Corporation Commissioners, at page 279. In the year 1567, at a port moot court, "We find that every bark, pickard or boat, as "well of Wallazey, Formby, as elsewhere, shall pay all custom and anchorage, "with all other duties belonging to this town." There is an entry in 1571. "Item. We fynd it necessarie and agreable to the lawies of this realmes, that all "marchindizes comyng or beyng brought to this towne, or that shall passe this "toun and port of Liverpole into and for Ireland, or els whither soever to any other "place, shall be entried into the custum^rie booke of this by the cus-"tum^r or by his clercké, tyme beying to and for the townes use, and in default "and want of manyfest entrie made and to be made of such goods and m^rchun-"dyzes lesse and mor, all and everie suche goods, wars, and marchundizes what-"soever, it or they be and shalbe fond unentred and not put in the custum^rie "book of this toun and port aforsayd, to be forfetted and levied, orderlie to the "use of this toune, and comyn treso^r of the same, and that the custum^r or his "clercke and collecto^r of the sayd custums for the time beying, shall furthw^th "upon knowledge had sease or cause the sarviant of this toune or water balie to "staye and sease all and everie such goods, wars, and marchaundizes not entried "in the custome booke as forfett wars, and take and put all the same into the "comyn ware house of this toune, or to some other sure and saffe custodie as "ocasion shall require, and the same to be forth comyng to the townes use upon "demand and commandment thereof, upon payne," &c.

3802. *Chairman.*] What do you understand by passing the port?—"All mar-"chandizes comyng or beyng brought to this towne, or that shall passe this town "and port of Liverpole."

3803. What do you understand by that; how could it pass the town and port?—Pass through, I fancy it means; it may mean that. I think this is the one you referred to, in 1572: "Itm. we agrie that all pickards & bootts comyng "into this port and riv^r intendyng to goe up to Werington or Fradsham, or any "other creeke w^thin this porte of Liverp^ll, and thereto belongyng, shall make "theire entrie, and pay keyle tolle, ancarage and custom to Mr. Maior's collector "apoyntid towne custum^r, in payne of forfeture of such pickard or boot and they "goods in them loadyn."

3804. What do you understand by those words "We agree"?—Many of the entries

entries are made in that form. " We agree," " We find," and " We also find," is a very common expression.

3805. Mr. *Horsfall.*] Have you an entry in 1584?—There is an entry in the year 1584 in the records: " It is also ordered that all boats which shall load in " Bootle Bay, or elsewhere upon the river, do pay toll."

3806. *Chairman.*] Bootle Bay is north of Liverpool, is it not; between Liverpool and Crosby?—Yes.

3807. Mr. *Horsfall.*] In 1594 there is another entry, is not there?—Yes, in 1594 there is an entry: " Imprimis. We agre that everie ownor of anie shippe, " barque or other vessel, shall enter his said ship, barque or vessell, with the townes " customer of this towne for y^e^ tyme beinge, both oute gate and ingate, and shall " give a true invoice of all such goods, stuffe and merchaundiz as are aborde evrye " or anie suche shippe, barque or vessele, and of such as are not free, in paine of " viij *d.*, to be levied on every such as shall be founde desertin thereine for every " offence," &c. In the year 1664 there is an entry: " Att an assembly holden in " the town hall, the daye and yeare abovesaid, by the Worshipful John Sturzaker, " Maior, Alderman, Baylives and Comon Councell there assembled, it is ordered " that Mr. Maior, with such others as he shall take to his assistance, may treat " with some of the officers of the custom-house of this port, to receive with his " Mat^s^ customes the custome belonging to this towne for all cattle, horses, sheep, " &c., exported and brought hither out of Ireland; and to give or allow what salary " for receiving the same Mr. Mair shall think meet; and if such officer of his " Mat^s^ customes here shall refuse or not be willing to receive the said townes cus- " tome, that then Mr. Mair, &c. may treat with John Brooks, of Birckett, to " receive the same for such cattle, &c., as are landed on Cheshire side, within " libties of this towne, and give him such allowance as he shall think meet; and " also ordered that all the arrears of a church ley, taxed in Mr. Stanley's Maioralty " on foreign freemen, be forthwith demanded: and on refusall or not payeing, the " parties of refusinge or not payeing, according to a clause of theire oath in that " behalfe, to be respectively disfranchised."

3808. *Chairman.*] According to what you say, were not those dues at that time vested in the Molyneux family?—In 1664; the corporation were then lesses under the Molyneux family.

3809. The Molyneux family had made their purchase from the citizens of London in 1635, had not they?—Yes; the corporation were holding them under the lease from year to year.

3810. Do you produce an entry of 1658, with reference to a quarrel with the Port of Chester, in which there is a mention made of the town dues?—No. In 1671, there is an entry describing the boundaries of Liverpool: " The perambu- " lacon is from the Water-street end, to Beeton Guttar, on the n—— (*word illegible*) " of Liverpool, thence to the Grove and the meyre stone in Mr. Moore's mead, " thence to Kirkdall-lane, to the meyre stone there, over against the beakon th—— " (*also illegible*), to a meyre stone in Syresditch adjoining to the break, thence through " ——(*this name cannot be read*), thence through severall closses to a meyr stone up " Everton Cawsey, thence through several fields to Liverpoole Comon, and soe after " the Comon side to the meyer stone at Johnson's field end on the east side of the " towne, and soe up the guttar or —— (*this cannot be read*) to the Mosslake, to a " place called Hollin Hedge, and thence straight to the park wall and all along the " parke wall, and through two crofts to Booth's Mill, and soe to the seaside, and all " along the seaside over the poole, and thence along the seaside to Water-street " end. Our liberty at sea to arrest within the flood mark is on both sides the river " of Mersey, as far upward as the same fflowes, with custom or toll on either side " of the river, with other usual privileges of the river."

3811. Was that before or after the purchase of the Molyneux family?—It was in 1671, before the purchase of the reversion; the lease for 1,000 years was running.

3812. The property was then in the Molyneux family?—Yes; the corporation did not purchase the reversion until 1777; the lease was in 1672, the entry, therefore, was the year before the lease for 1,000 years.

3813. Mr. *Watson.*] Can you state at what time of year it was?—I cannot readily do so; I will do so by the next meeting of the Committee.

3814. *Chairman.*] So that this liberty was the liberty of sub-lessees, which they were at this time?—" Our liberty at sea to arrest within the flood-marks is on both sides the river."

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3815. Mr. *Horsfall.*] Do you know that the process of the Court of Passage has been executed to the utmost limits of the port?—There is an old Court of Record, which is called the Court of Passage; the process from that Court has, to my knowledge, since I have been connected with the corporation, been put in force all over the water of the Mersey, and frequent arrests have been made upon the river.

3816. *Chairman.*] How is that court founded?—It is an old Court of Record.

3817. Is there any document or charter upon which it is founded?—No.

3818. It exists by prescription?—It is a court by prescription.

3819. Mr. *Horsfall.*] Can you show from the Corporation Records from what date they have received these town dues?—In the years 1571, 1572 and 1573 there is an entry of town's customs, ingate and outgate; that is, town's customs: ingate, 4 *l.* 15 *s.* 0½ *d.*; outgate, 4 *l.* 16 *s.* 2 *d.*

3820. Mr. *Watson.*] Are those Receiver's accounts?—Yes.

3821. *Chairman.*] Is that the earliest receipt you can find?—That is the earliest I can find.

3822. Mr. *Watson.*] Just read the headings of it?—I have merely taken this as an extract from the records; those are the accounts which were brought in by the customers, accounting to the Mayor yearly, and receiving their acquittances.

3823. Their acquittances on account of petty customs?—Yes. They gave bonds in those times. They are carried on down to 1670, when they are entered as town's customs inwards and tolls inwards, showing a distinction between town's customs and tolls.

Vide Appendix.

(*The Receipts were delivered in.* No. 46.)

3824. Mr. *Horsfall.*] When was a "Town's customer" first appointed?—The first appointment of a town's customer was in 1571; that is to say, that is the date of the earliest books we have. Christopher Holden was appointed town's customer.

3825. Will you explain his duties?—The duties of the town's customer now are, to receive the town dues and anchorage, and to pay them over to the Treasurer of the Borough.

3826. When was a town's customer appointed at Runcorn?—In the year 1818; an Act was passed about that time to enable coasting vessels, &c. to pay the King's customs at creeks of ports, without clearing at the head custom-house of the port. Since that time there has been a receiver at Runcorn.

3827. Will you now explain what took place in the year 1830, when several merchants agreed to dispute the right of the corporation to receive the town dues?—In 1830, several merchants disputed the title of the corporation to receive town dues; their object was to try the right of the corporation to receive those dues. Their communication sent to the corporation was, that they considered those dues an illegal exaction, and they intended to try the right to receive them.

3828. There was a difference of opinion between the merchants, was not there, some thinking that the dues were oppressive, and others, that the corporation had no right to them at all?—Some persons amongst the merchants denied that the corporation had any title to anything, and others said they believed they were entitled to something, but that the dues were too high upon some articles, and ought to be reduced; the corporation, at that time, were advised that they could not do anything towards effecting a reduction of the dues while their title was in dispute. Previously to that time, in 1825, as I shall have hereafter more fully to explain, compositions were made in respect of certain articles, before there was any dispute at all about the title.

3829. I believe there were a considerable number of actions brought by the corporation to enforce their right?—I think about 60 actions were brought.

3830. *Chairman.*] Will you explain what you mean by "compositions"?—I shall have to produce the resolutions of the council under which they were effected, and by which they agreed to accept a smaller sum for a larger sum due.

3831. From people in general, or from those particular persons?—From all persons.

3832. Mr. *Horsfall.*] Was not it agreed upon a Judge's order, that only one of those suits was to be tried?—One action was to be tried, and all the other parties against whom actions had been brought, were to pay their dues into the hands

hands of a certain banker appointed to receive them, until the result of the litigation was ascertained.

3833. Was not the action tried at Westminster, in February 1833?—Ye before Lord Denman.

3834. What was the verdict?—The verdict was in favour of the corporation for the full amount.

3835. Will you produce an office copy of the judgment in that action?—This is a certified office copy of the judgment roll. The judgment was signed as of the 21st of December 1833.—(*The same was delivered in.* No. 47.) *Vide* Appendix.

3836. You were not present at the trial?—No, I was not.

3837. I presume you have a general knowledge of the questions involved in the trial?—Yes, I was at that time a clerk in the town clerk's office, and I had been assisting Mr. Statham, who was then town clerk, in preparing some of the documentary evidence.

3838. Have you the shorthand-writer's notes of the trial?—Yes; I know from the shorthand-writer's notes, that it was admitted that goods had been landed at Runcorn, and at the Magazines (on the Cheshire shore between Wallasey Pool and the Rock Lighthouse), expressly for the purpose of raising the question of liability there; it does not appear upon the record, or from the witnesses, whether they were in issue at that time.

3839. The question was as to the title of the corporation to town dues on goods exported from, and imported into the port; it was admitted by the defendants at the trial, that goods had been landed, as you stated just now, at Runcorn, and at the Magazines on the Cheshire shore, between Wallasey Pool and the Rock Lighthouse, expressly to raise the question of liability there?—Yes.

3840. Does this particular issue appear on the record?—No.

3841. The admission was made at the trial?—It was, as appears by the shorthand-writer's notes.

3842. Mr. *Watson.*] It was an action for tolls, was not it?—Yes; the first count was for dues upon goods imported. Then the next count of the declaration was for dues upon goods exported; an account stated, and the general issue upon that.

3843. Mr. *Horsfall.*] You were present, and heard Mr. Bolton make the admission?—Yes; he did.

3844. I suppose, at this trial, the defendant's counsel raised all the popular and *ad captandum* objections to payment of these dues, which have been since so frequently and prominently urged before this Committee?—It appears that Mr. James Lowe, the defendant's attorney, had all those documents which he afterwards produced, and quoted before the Commissioners for inquiring into Municipal Corporations at Liverpool; but they did not produce any of them, and no evidence was given. The counsel for the defendants were the late Lord Truro, Sir Fitzroy Kelly, and Mr. Roscoe, Mr. Crompton and Mr. Rushton.

3845. *Chairman.*] Are those objections embodied in the bill of exceptions?—Yes.

3846. Can you put in the bill of exceptions?—Yes; but I believe I may state that that which is in print is correct.

3847. Who is this book by?—It was written, I believe, by Mr. Rushton.

3848. And it is correct?—I believe the bill of exceptions is truly set out. I cannot say that it contains all the evidence that was given; but I believe that it is a correct copy of the bill of exceptions.

3849. Mr. *Horsfall.*] I believe, at the trial, questions were put by the jury to the Judge, before returning their verdict, as to whether consideration in the form of services rendered to the port was not necessary to support the claim of the corporation, and also as to Runcorn being within the port?—That is so.

3850. Can you state the questions that were put?—Mr. Heron, the town clerk of Manchester, referred in his evidence to a part of this, but he did not read quite the whole of it; he read all that appears in that book. But what took place is this, as it is recorded upon the shorthand-writer's notes; this was at the termination of Lord Denman's summing up. "*The Foreman:* One of the gentlemen of the "jury wishes to ask a question of you. *A Juryman:* My Lord, I wish to know, "supposing the jury were satisfied that a right had been given to the town to collect "the dues, have they no right to consider whether there must not have been a co-"existing public accommodation? *The Lord Chief Justice:* I think that is out of

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" the question. I think beyond the mere fact of the port being there to receive " ships, it strikes me that is not the question. *A Juryman:* Do you think, my " Lord, also, that supposing that out of the question, the jury have no right to " consider whether the present dues are collected for any public benefit? *The Lord* " *Chief Justice*: That, I think, is quite out of the question too. It is satisfactory to " me, and I dare say will be to you, to know, if I take an erroneous view of that " subject, it will be set right hereafter. *A Juryman:* What, my Lord, are we to " decide as to the 1*l.* 5*s.*, which is a separate amount as to Runcorn: is it to be " considered as belonging to the township jurisdiction? *The Lord Chief Justice:* " I think upon the evidence it does; it seems the payment is made to Liver- " pool before it is allowed to be landed at Runcorn. *Mr. Serjeant Wilde:* No " doubt within the port; distinctly in evidence it is not within the borough. " *Mr. Follett*" (who was one of the counsel for the corporation): " My friend " is not putting that right. The evidence is, that the town of Runcorn on the " land is not within the borough of Liverpool; but what we say is, the borough " and lordship of Liverpool extends all over the Port of Liverpool; all over " the waters of the Mersey; all over the port. The evidence is, throughout, " without contradiction, that these duties have been paid all over the port " of Liverpool, without exception, of any sort or kind. *Mr. Serjeant Wilde:* " Whether payable within the port or not, there is no evidence to show the lordship " extending beyond the borough; none. *The Lord Chief Justice:* Over the water. " *Mr. Serjeant Wilde:* If your Lordship will direct the jury how it is to be"——He is interrupted by the foreman, who says, " My Lord, I am directed to say, and I " agree with it myself, that the verdict is for the plaintiff, for the corporation. " *The Associate*: For what sum? Mr. *Follett*: 486*l.* 9*s.* 10*d.*" (*The same was delivered in.* No. 48.)

Vide Appendix.

3851. Mr. *Horsfall.*] Which was the full amount claimed?—Yes.

3852. It has also been objected that the corporation were not entitled to any dues upon new articles; was that point raised?—That point was raised upon the trial, and Lord Denman thus refers to it in summing up: " Why on that we " can only say, that the grant of town duties or of port duties at all would be of " extremely little value if it were only confined to articles that existed in specie in " former times; we know the great majority of imported merchandise has been in- " troduced in modern times; and it appears to me, if the port duties were granted, " and have existed during that long period of time, then they may be taken to " apply to such new articles as come into or are exported from the port; and the " best mode probably of settling what shall be paid, would be, by a concurrence " between the receiver and the person liable to pay, and that by an assimilation as " nearly as they can assimilate to the nature of the thing described." (*The same was delivered in.* No. 49.)

Vide Appendix.

3853. I believe at that trial, in February 1833, a bill of exceptions was tendered to the summing-up of the judge?—Yes, that is so.

3854. Will you state to the Committee what was the result of that bill of exceptions?—There appears, from a statement made by Mr. Foster before the Municipal Corporation Commissioners, to have been very considerable delay in getting the bill of exceptions settled, and he advised with counsel what was the best mode of expediting it; and Mr. Justice Cresswell, who was then one of the counsel for the corporation, advised that a summons should be taken out to tax the costs unless they produced their bill of exceptions. That was one, but although the trial took place in February 1833 the delivery of the bill of exceptions was delayed for several months: it was not filed till November 1833, and it was not delivered to the town clerk for settlement till February 1834, a year after.

3855. *Chairman.*] That was after judgment signed?—No; the judgment was signed as of Trinity Term, 1833.

3856. Mr. *Horsfall.*] Was not it in 1833 that the Commissioners for inquiring into Municipal Corporations visited Liverpool?—Yes.

3857. Was the whole history of the affairs of the Corporation of Liverpool fully inquired into, and amongst other things the town dues?—Yes; there was a very long inquiry into all sorts of things, as appears by this book.

3858. On that occasion, did not Mr. Lowe, who was the attorney for the defendants in the action which had just been tried, make a statement before the Commissioners as to the town dues?—Yes, and he produced many of the documents which have been referred to before this Committee.

3859. What course did Mr. Foster, the then town clerk, take?—Mr. Foster declined

declined before the Commissioners to go into the question of title, as it was not then determined.

3860. In order to show that the delay in settling the bill of exceptions rested with the defendants, and not with the corporation, Mr. Foster laid before the Commissioners an explanation, which perhaps you will be good enough to read?—It appears from the proceedings before the Commissioners that Mr. Foster in addressing them alluded to the delay which had taken place, and he does it in these terms, which goes into the history of the matter: "Let us now look, sir, to "the manner in which these proceedings have gone on since the month of February "last. Before the verdict was pronounced, before an opinion was given by the "jury, the counsel for Mr. Bolton, Mr. Serjeant Wilde, proposed to the judge "that some note should be taken on certain points on which he meant to tender a "bill of exceptions to the summing up of the judge, and his charge to the jury. "The counsel for Mr. Bolton afterwards consulted together in court, and having "put together the heads of their exceptions, they stated to the associate sitting "under the judge, that they would hand in, that night, the particulars of their "bill of exceptions. Now, I will ask whether what I am going to state can be "consistent with a desire to ascertain a simple question of right? To the best of "my knowledge and belief no further step was taken with regard to that bill of "exceptions for months. In the month of April we tried to bring the question to a "point; and the suggestion of Mr. Cresswell, one of the counsel for the corpora-"tion, was this: I cannot suggest any other mode of expediting the defendants "than by serving them with a summons, to show cause why they do not "produce their bill of exceptions within a limited time, or join in final judg-"ment. This was accordingly done, and on the 20th of May 1833, three "months after the trial, a notice of this summons came down to Liverpool, "having been previously served, in the usual way, on the agent of the solicitor "of Mr. Bolton, in London. On the receipt of that summons, Mr. Lowe "stated to me that he supposed it was our object to drive him forwards, and "if that were the case, he proposed, as a matter of personal convenience to himself, "and to prevent the necessity of his going up to London, that no further pro-"ceedings should take place on the part of the corporation, on his giving an under-"taking to expedite proceedings. Sir, I acquiesced in this proposition, because "my only object in getting the summons was to expedite the proceedings. I went "to London about the time when he applied to me, to prevent the necessity of his "going, and he gave me an undertaking in writing, the conditions of which were "these: that if the proceedings before the judge to compel him to expedite were "stayed, he engaged that the bill of exceptions should be in a state ready to be "discussed in the term which has just now expired, viz., Michaelmas term in "this year. From that day to the present, sir, I have neither seen that bill of "exceptions, nor heard of it; and whether Mr. Lowe intends to proceed with it or "not, he can best tell. But this I know, that it was in the power of Mr. Lowe to "have moved the Court of King's Bench for a new trial, on the ground of the mis-"direction of the judge, in April last, and the question might thus have been "decided long ago. But though Mr. Lowe asked me to allow him to have certain "documents, to be produced on a motion for a new trial, in Easter Term last, and "within four days of the opening of term, as required by the law, he did not move "for a new trial; and, in spite of his undertaking, in writing, that the bill of excep-"tions should be in a fit state to be argued in the term just ended, I state, in the "face of the town, that I have never yet seen that bill of exceptions. I am not "bold enough, sir, to assert that the corporation are, beyond all doubt, right on "this question. I cannot pretend to say what may be the ultimate decision of "the judges, or of future trials; but if the parties prosecuting this claim contend "that there is no such right as we insist there is, it is the most extraordinary thing "that not a single step has yet been taken, so far as my knowledge and belief "extend, to complete that bill of exceptions. I regret that I feel compelled to "go on with this subject. I am sorry that Mr. James Lowe has not con-"sulted counsel and prepared that bill of exceptions which you, sir, who have so "much experience at the bar, know requires both time and trouble. I am sorry "that Mr. Lowe has not fulfilled his promises to me. I know that he has gone "to London, but without doubting that Mr. Lowe has gone mainly on an errand "of private business, I may be allowed to presume that one other reason might "take him there, viz., because he knows that an appointment is made for Tuesday "in this present week to tax the costs of the corporation, thereby to compel "Mr. Lowe either to produce his bill of exceptions or to let execution issue."

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3861. That statement was made in the presence of Mr. Bolton, one of the defendants, in the presence of his solicitor's partner, and also in your presence?—Yes.

3862. Have you any evidence to show that the corporation were desirous of expediting the settlement of the question by the court?—Yes; I have the minute book of the committee. There was a committee of the corporation appointed to assist the town clerk in this litigation.

3863. That was called the Town Dues Committee?—Yes. Here is an entry of that Committee on the 23d of May 1833: "The town clerk having "reported, that upon consulting Mr. Cresswell, with a view to dispose of the bill of "exceptions tendered on the trial by the counsel for Messrs. Bolton & Co., it "appeared that a summons to be heard before a judge was the only course open to "the corporation; and also that, according to the practice of the law courts, three "terms would elapse after the bill of exceptions was allowed before the error "could be argued, and the matter decided; Resolved, that this committee regret "exceedingly this apparent unavoidable delay, but that the town clerk be instructed "to take such steps as, upon advising with counsel, may be thought most advisable "to expedite the final settlement of the suit."

3864. *Chairman.*] That was the year before the settlement?—In the same year. Then, at a subsequent meeting of the committee, on the 5th of February 1834: "The town clerk having reported that he had received a copy of the bill "of exceptions, prepared by Messrs. Bolton & Co.'s attorney, which required "several corrections and additions, and the particular attention of counsel, with "the documents produced on the trial, and also the shorthand writer's notes, and "that, by recent alterations in the Court of King's Bench, it was practicable that "if the bill of exceptions could be settled and agreed to by the parties before "the next term, the argument thereon might be had in Trinity Term next; "Resolved, that in order to expedite as much as possible the settlement of the "bill of exceptions by counsel, Mr. Okill be directed to proceed to London to "attend and assist them with the documentary and other evidence, and to aid in "the completion of the bill of exceptions as much as possible."

3865. Mr. *Horsfall.*] It has been alleged by Mr. Heron, the town clerk of Manchester, that the corporation compromised that action; is that the fact?—No; not at least in the sense in which it is intended to be conveyed; an explanation was given upon that subject the other day by a gentleman who was one of the associated merchants at a public meeting in Liverpool; he said he observed that it was stated that they had compromised the action; he was one of those who took an active part in it, and he said when the bill of exceptions was before their counsel to be settled, they told them that they had not a leg to stand upon, and that they had better get out of the action as quickly as they could.

3866. *Chairman.*] Who was that gentleman?—Mr. James Aikin.

3867. Mr. *Horsfall.*] He was one of the gentlemen who disputed the right?—Yes; I may state that the end of the litigation was this; I have said that more than 60 actions were brought, and by a judge's order one of those actions was directed to be tried; in the meantime, and during that litigation, which was very protracted, those other persons against whom actions had been brought were to pay their dues on all goods imported and exported by them, into a bank to abide the event of the trial against Bolton & Co.; those payments amounted to a very large sum of money, and an offer came through Mr. William Brown, the present Member for South Lancashire, for some arrangement of this matter. An offer was made to the committee to compromise it; but they firmly said they would be no parties to any compromise, and subsequently the defendants applied to have the judgment recorded in the action against Bolton, upon each party paying their own costs, the corporation, in fact, not asking the defendants for costs. Now with regard to costs, of course the corporation would have been only entitled to taxed costs as between party and party. This litigation had been a most expensive one to them, and any amount which they could have received as taxed costs would have been wholly inadequate to meet the expenses which they had incurred, and therefore they agreed on the judgment being recorded, and all litigation ended with Messrs. Bolton and the other parties, that they would not ask them for costs, and that was done.

3868. Since the date of the judgment in that action, has any attempt been made by any person to dispute at law the title of the corporation to these dues?—No.

3869. In fact, they have been paid upon all goods exported from and imported

ported into the port of Liverpool, not being the property of freemen of Liverpool or resident freemen of the cities of London, Bristol, Wexford and Waterford, and this all over the port?—That is so to the best of my belief; if anybody has omitted to pay, it has been by some evasion; I know of no such case.

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3870. I believe, since this trial with the Corporation of Liverpool, there have been other trials of a similar nature?—Yes; an action was brought by the Corporation of Exeter to recover dues payable to them upon goods landed and discharged at Teignmouth, and another action has been brought by the Corporation of Rochester to try their right to dues.

3871. *Chairman.*] Where is the case of Rochester reported?—I do not think it is in any report; the Exeter case is reported in 5th Queen's Bench Reports, page 773, and in that action it appears that all the points raised with reference to the Corporation of Liverpool in their action, were raised, and the full Court of Queen's Bench gave their judgment upon it. The same points were argued about want of consideration, and so on, for the Court to deal with. The judges were, Lord Denman, Mr. Justice Coleridge, Mr. Justice Patteson and Mr. Justice Williams. Lord Denman delivered the judgment of the Court in the following terms: "In this case tried before my brother Coleridge at the assizes for Devon, "being an action for petty customs, dues and duties, due upon culm, fish, oil, seal-"skins and other articles, the right of the corporation to exact certain payments, "in the name of port dues or petty customs, from those who land their goods at "the haven of Teignmouth, as a member of the port of Exeter, was established "by the verdict of a jury. But a rule nisi for a new trial was obtained on the "suggestion that my learned brother's direction was incorrect in point of law, "and several points have been discussed before us, more largely, perhaps, than "was warranted by what appears to have been the matter in contest at the trial. "Upon that occasion it was not, and indeed scarcely could have been, contended "that the plaintiffs were not owners of a port to some extent, and, as such, "entitled to receive the duties claimed in the declaration, within certain limits. "But it was argued that the franchise could not have been legally granted, so as "to extend to Teignmouth, and carry a right to port dues there, for want of any "apparent legal consideration; and that want was said to be involved in the "absence of any right in the soil, either in the grantees or the grantor, the "Crown. There was no evidence, it was said, that Teignmouth had at any time "been *terra regis*; no soil, therefore, was dedicated to the public use, no repairs "done, nothing given in return for the duties claimed; the judge was, therefore, "called upon to direct the jury at once, that no case had been made for the "plaintiffs, and that, without reference to the evidence of payments insisted on "by them, the verdict must pass for the defendant. My learned brother did not "deny that, for the validity of a Royal grant of the franchise of a port, with the "right to collect port dues or petty customs, a consideration was necessary; but he "said that the right to create a port was in the Crown, which it might exercise "*pleno jure*, so long as there was no interference with the rights previously vested; "that the consideration for port duties as attendant on such grant, need not "be the devotion of the soil to the use of the port; that, if so, there was no "evidence to support it in the plaintiffs in the present case, even to the limited "extent admitted; for that there was none to prove any right of soil in them in "the bank or estuary of the Exe, any more than beyond the mouth; indeed their "evidence disproved it; but that, considering the very early times to which this "grant, if ever made, must be referred, no previously vested inconsistent rights "appearing, the mere creation of the port, with the consequent right in all the "subjects to use the range within the limits as a port, to bring their ships there "for safety, and to trade there and unload customable goods, would be con-"sideration sufficient in law to support the grant of the duties. He told the jury, "therefore, that as to the mere existence of a port with port duties granted to the "plaintiffs there was no question; that the real question was the extent as to "which they could not throw the plaintiff's evidence overboard at once on the "ground alleged, but that consistently with all the evidence, there was ground on "which they might found a legal origin for the rights claimed by the plaintiffs. "After much consideration of the authorities, we are of opinion that this direction "was right in point of law, and, at least, not too favourably stated for the plaintiff. "We think he might properly have added that, if the ownership of the port carried "with it the obligation to clear the harbour, or do anything else in the way of "repairing or maintaining it, the non-performance of that duty might render the "owners liable, but could not form a defence to the present action; and that a

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" long enjoyment of the duties might warrant the presumption of any fact necessary " to make them legal. As to the general right of the Crown in this matter, it " will be sufficient to cite the single authority of Lord Hale. 'It is a part,' says " he, 'of the *jus regale*, or royalty of the Crown of England originally, and *de* " '*novo* to erect public ports in this kingdom. As all franchises within the " 'kingdom are derived from the Crown, either immediately and explicitly, as " 'by new erection, grant or charter, or presumptively, and consequentially, as by " 'custom or prescription; so in a special manner are the ports and franchises " 'thereof, which are *ostia regni*.'—De Port Maris, c. 3. That this right of the " Crown was exercised at some very remote period, and a port created, of which " Exeter was the *caput*, cannot now be disputed, and there seems good reason " to believe that, when the city of Exeter was granted to the burgesses thereof " in fee farm, first, by Richard, Earl of Cornwall, in 1259, and subsequently " by Edward the 3d, the port, with the customs which the Crown had before " received there, passed with the grant as parcel thereof. Lord Hale, in the " account which he gives of petty customs (Concerning Customs, chapter 4), " states that this was not unusual, and says that these (the petty customs), 'being " 'grown inconsiderable, in length of time might be granted to the several corpo- " 'rations of those ports or towns wherein they were taken as part of their farms, " 'as was done in the cases of Exeter and Yarmouth, Kingston-upon-Hull, and " 'some other ports.' We do not cite this passage as proof of the fact, but as " showing, according to that great lawyer's opinion, there is nothing in such a " state of things unreasonable, or which may not easily be presumed, on proper " evidence of user. We also refer to the statute of Henry the 8th, for the purpose " of showing that it has not escaped our attention. But it belongs to the head " of evidence, not of law; and may possibly supply either party with some " plausible arguments."

3872. *Chairman.*] Do you know what statute that was?—I see it relates to Plymouth, Dartmouth, Teignmouth, Falmouth, and Fowey; it was some special Act. " Upon the evidence in this case, the grants before mentioned were pro- " duced, and strong evidence from a very remote period down to modern times " offered of the perception of petty customs and port dues by the plaintiffs, as " grantees of the port. Then it appears to us that the extent of the port, *de facto*, " became a question merely of evidence. It could not be denied that a port might " be created with a head, and many members; the existence of such ports is matter " of notoriety, and Lord Hale mentions many instances, Exeter among them; in " enumerating the members of which he certainly omits Teignmouth, an omission " furnishing ground for remark, but not really of weight as evidence of the fact. " In support of their claim the plaintiffs offered some ancient evidence; a receiver's " account of the 4th of Elizabeth, in which the officer charged himself with a gross " sum of 9*l.* 9*s.* 4*d.* for customs of goods landed in several places (among others " Teignmouth) within the port of Exmouth and Exeter; a lease of 35th of Eliza- " beth of the town custom, due for entry of all manner of ships, &c., arriving within " the port or haven of the city of Exeter, viz. Exmouth, and, among other places, " Teignmouth; another lease, containing the same enumeration, in 8th James the " 1st, on which the rent had been paid; but this, and other evidence of the kind, " was not so much of independent strength, standing by itself, as indirectly in " the support which it gave to the latter evidence, and from its consistency with " it. The evidence in modern times, down to the year 1834, was clear, unambi- " guous and uninterrupted. To all this no answer was given by counter " evidence; no claim was set up for Teignmouth as a port of itself, or as a " member of any other port; but strong remarks were made on the improbable " extent of the port, as claimed by the plaintiffs, and suggestions for the expla- " nation of what was offered by the plaintiffs were urged reasonable in them- " selves, and pressed forcibly and ingeniously on the jury; it is not com- " plained of that justice was not done to them by the judge in laying the case " before the jury. A commission in the time of Charles 2d was strongly " attacked by the defendant's counsel, as applicable only to some proceedings in " relation to the revenue; it was even claimed as evidence against the plaintiffs' " claim to port duties, as explaining the circumstance of Teignmouth being " named with Exeter. But it could not explain the ancient enjoyment; it was in " no degree inconsistent with any fact essential to the plaintiffs' title; and at all " events, the effect of it was for the consideration of the jury. Having disposed of " the legal objections to the summing up, we are asked to grant a new trial on " these latter grounds, as if the verdict ought to be considered against the evidence.

" We

"We think we cannot in justice do this; where a verdict has been obtained in "support of such a claim, founded on evidence not unsatisfactory to the judge, "and given by a jury under no unfair bias, and properly directed, we think it "ought not to be lightly disturbed. This rule will therefore be discharged."

3873. Mr. *Horsfall.*] In that Exeter case, all the points were then urged which are now urged against the Corporation of Liverpool?—All the points which have been prominently brought forward, that is the want of consideration, by which it is intended to say, the want of some service rendered. Now, that point was distinctly brought forward in that case, and during the argument, Mr. Justice Coleridge put it upon the proper ground, that there must be a consideration, which is a consideration for the grant, and not for the original right; that is to say, that the grant itself must be a grant for a valuable consideration.

3874. The proceedings in the case between the Corporation of Liverpool and Lancaster have been referred to, and it has been alleged that in that case there was the admission of an obligation on the part of the corporation to cleanse the harbour as a consideration for the town dues; is that so?—I have referred to the report of that case in 1692, and in the information they did allege, that they were in the habit of doing so: "That the borough of Liverpool aforesaid is an ancient "borough, and for all time whereof the memory of man is not to the contrary, and "the principal sea port town or haven in the county of Lancaster, which said "borough of Liverpool doth stand and is situated, and so hath done and been for "all the time aforesaid upon the bank of the River Mersey, near the mouth or "outlet thereof; and within or near to the said mouth or outlet is a place called "Highlake, which for all the time aforesaid hath been within the precincts and "liberties of the said borough, and part of the port or haven of the said borough, "and the burgage lands of the said borough extend themselves to the low-water "mark of the said River Mersey, which said River Mersey in that part of it near "to which the said borough stands, and in several places thereof within the liberties "and precincts of the said borough, runs and for all the time aforesaid hath run "over great stones and rocks, and by its own force and the flowing of the sea into "it, and the violence of tempests often hath loosed and still loosens many of the "rocks, and drives part of them into such places as (if not removed) would be "incommodious and dangerous for ships sailing into or out of or riding at anchor, "or moored in the said port or haven, the flowing whereof hath often cast "up sand beds, and work down the earth from the bank of the said river, which "likewise hath been, and would be hazardous (if not removed) to ships sailing into, "or out of, or riding at anchor, or moored in the said port or haven: And the said "Attorney-general further showeth, that the burgesses of the said borough have "always constantly removed the loose rocks and stones, and the sand beds and "earth out of the said port and haven, and the strand and wharf thereof, and freed "and cleared, and kept free and clear the said port and haven therefrom, at their "very great charge and trouble, insomuch that the said port, by reason of such care "and charge, is and always hath been the most convenient and safe port and haven, "not only of the said county of Lancaster, but of any the western shore of the "north of England; by reason whereof the said Borough of Liverpool is, and hath "been, well frequented with shipping from several foreign nations, and from several "parts within this realm, besides what belong to the said borough, to the great "benefit and advantage of the said county of Lancaster and many adjacent counties, "insomuch that in times of peace the customs growing due in the said borough or "corporation, and paid to their Majesties the Kings of this realm, have usually "amounted to 30,000 *l.* per annum, which, were it not for the commodiousness of "the said haven, rendered so by the care and charge aforesaid, would not have "amounted, nor without such care and charge will amount, to a tenth part of the "said sum; and in times of war, particularly in this for the reducing of Ireland, "most of the ships belonging to the said port have been made use of in their Majes-"ties' service for conveying their Majesties' forces, artillery and ammunition to and "from Ireland, for which they have given credit to their Majesties at least to the "value of 35,000 *l.*; and by reason of the commodiousness of the said port or "haven of Liverpool, which includes Highlake as aforesaid, His present Majesty "thought fit to embark himself and his forces for Ireland, and to order all the "transport ships to lay there, as occasion required, where they lay with great "security." It goes on to mention other matters, which were alleged by Mr. Heron the other day. I find upon this suit witnesses were examined upon interrogatories; and with reference to the various points mentioned, it appears that the corporation of that day did precisely what the corporation do now, not by reason of

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any obligation to cleanse the harbour, but they had expended various sums for the general benefit of the port, without having any such legal obligation at all. There is one witness, James Strangways, examined: "This deponent saith further, "that the mayor, bailiffs and burgesses of Liverpool do take great care in clearing "and cleansing the river or haven, by causing sometimes rocks to be hewn and cut "for the better passage of vessels coming in and out of the said port, and some-"times by setting up buoys or perches for marks or signs in the water, to give "notice to ships of danger in the said water; and besides the money yearly "arising out of the duty called the town's duty of Liverpool, or a good share "thereof is applied and laid out that way, and in maintenance of their streets "and pavements, for the better passage of carts and carriages with goods "and merchandizes in the said town; but how much of the said town's duty "is so employed this deponent cannot depose." And other witnesses give the same account of it, that part of the town dues were expended for the purpose of keeping the streets and pavements of the town in good repair, and in clearing away wrecks; a person was employed to clear away those wrecks; there was expended upon those purposes sums of money in making causeways and pavements, in some years more and some years less, out of the duty called town duty; that appears to be the mode in which they expended part of their revenue at that time, and what they do now, in fact; if there is any obstruction in the river, they remove it.

3875. No decree or judgment was ever given with reference to this suit with the freemen of Lancaster?—No.

3876. Have the freemen of Lancaster continued to pay town dues upon goods imported and exported by them, do you know?—Yes.

3877. *Chairman.*] The title set up there was by prescription, was not it?—It was.

3878. Mr. *Horsfall.*] With regard to the litigation in 1695 between the Corporation of Liverpool and the citizens of London, it was not really to try the question whether the Corporation of Liverpool were or were not entitled to dues, but whether the freemen of London, as such, were liable to pay them?—That was the question with the freemen of London, whether the freemen of London were liable to pay the dues. The decree was, that as freemen of London they were exempt from the dues at Liverpool. In consequence of that, and several years afterwards, many gentlemen became members of some of the London companies, and were carrying on business at Liverpool and other places, supposing that under that decree they would be exempt from the town dues at Liverpool; upon which another suit was instituted in order to try that question, and the decision was, that the exemption of London freemen was confined to those freemen resident within the city, and that has been the practice up to the present time; a freeman of London who imports goods into Liverpool has his goods free if he be a resident within the city.

3879. *Chairman.*] In the answer to that suit, they set up a title by prescription on oath?—Yes.

3880. Mr. *Horsfall.*] With reference to the litigation commenced in 1830-31, it has been stated that that was a friendly suit, for the purpose of procuring an adjustment of the dues on certain articles; was that so?—It was certainly not a friendly suit; it was carried on with very great asperity. After the action was brought, the first thing that was done was to file a bill of discovery against the corporation, to get them to set out their title. Those Chancery proceedings occupied a very great length of time.

3881. Will you state what the corporation set out in their answer to the bill of discovery?—Yes; at that time Mr. Statham was the town clerk of Liverpool, and he was a gentleman of very high character and standing: he was made the defendant in those Chancery proceedings, and had to put in his own answer upon oath; and he was asked one question upon the interrogatories, whether he had not, in stating the case for the opinion of counsel in 1825, stated that the title of the Corporation of Liverpool was a title by prescription; and he said, in his answer, that he did so state, and at that time he believed it; that he was entirely mistaken, and it was not until the question began to be examined minutely, for the purpose of litigation, in 1830, that he knew the title of the corporation correctly.

3882. Amongst the documents, was there a letter from Mr. Brown, the solicitor, in 1789, to Mr. Hargrave, the then recorder of Liverpool?—That letter of Mr. Brown's was referred to by Mr. Heron, and I think part of it was read. I will read the whole of it to the Committee.

3883. Does that part which was read by Mr. Heron state the whole case?—Not quite. It is very clear, if Mr. Brown had pursued the subject at that time, he would have hit upon the right title, I think. Mr. Brown's letter appears in page 249 of the Report of the Proceedings before the Municipal Corporation Commissioners, and it is addressed to Mr. Francis Hargrave, who was then Recorder of Liverpool, dated 25th September 1789. Mr. Brown says:—"Sir, "As I have the most extreme desire to see the inclination of your opinion on our "most important business of the Liverpool's town's or port duties, I take the "liberty, previous to my laying before you our full case, for the joint opinion of your-"self and the other gentlemen retained by our corporation, to offer to your consider-"ation what I have at the present collected hereon. The present materials consist, "first, of the notes I took at the trial of London and Lynn; and, secondly, of the "papers immediately relating to ourselves. After you have perused the notes of "London and Lynn, I would take the liberty of proceeding to our own case. The "first point is the title of our corporation to town's duties; the second point is the "claim of exemption by the merchants resident in Liverpool, as being citizens of "London. First, with respect to our title; I apprehend it is indisputable; but the "answer of Mr. Wood" (that would be the late Baron Wood) "to our fourth "query, and which is submitted to your consideration, seems to make it necessary, "or at least, that it would be of service, to prove that we are entitled by prescrip-"tion. With respect to this point of prescription, I presume it may be material "to consider, first, whether our corporation be a corporation by prescription; "secondly, whether from any records, muniments, usage, &c. the port duty claimed "and received by us will, in law, be deemed a prescriptive duty. With respect to "the corporation being by prescription, I have great doubt; for I cannot meet, "either by search at the Tower or elsewhere, with any charter of incorporation of "Liverpool before time of legal memory; but, on the contrary, the charters which "we have, or know of, very strongly imply the reverse; for the first charter we "know of is one granted in the 9th of John (copy of which, as also of all the "other charters thought material, is now laid before you), and even this charter "seems to be no more than a mere grant of a privilege, and not a charter "of incorporation. The second charter, you will see, is in the 13th Henry "the Third, and from the words '*habeant gildam mercatoriam*,' &c., I pre-"sume it is a charter of incorporation, and from this circumstance, and also, "because in our charter of 6th Edward the Third, and other subsequent charters, "the earliest *Inspeximus* begins with the charter of John, and then proceeds to that "of Henry the Third, I am strongly led to think that the charter of Henry the "Third is the first charter incorporating us. I would observe that in our council "or corporation books, in the year 1581, mention is made of two charters of Henry "the First, but not a word is said of the purport of those charters; and therefore, "I fear no use could be made of such memorandum or entry, supposing such "memorandum or entry to be admissible evidence. And with respect to the charter "of Charles the First, contained, by *Inspeximus*, in the charter of William the "Third, which in the first part of it calls us, in effect, a corporation by prescription, I "much fear that would not avail us against the charter of Henry the Third staring "us in the face. Secondly. With respect to the second point, whether from any "records, muniments, usage, &c., the port duty claimed and received by us, will, in "law, be deemed a prescriptive duty: as to this point, I would beg leave to observe "that we can, as far as the memory of man reaches, prove the existence and receipt "of our port duty, and the annual appointment of a collector of it; and as to records "and muniments, the earliest of our corporation books in existence is about the 5th "Edward the Sixth, in the year 1553. In an entry in that year, it appears that there "was a town's custom upon merchandize passing through the River Mersey (which "is the river of our port), and also a town's customer. In the year 1555, a town's "customer is appointed; in 1558, mention is made of the town's custom; in the year "1561 the like; in the year 1563 the like, and a customer appointed. Then at an "assembly, 1564, is this entry: 'Item—For the damages of the custom holden of "'Mr. Wm. Molyneux, Esq.,' &c. &c.; in 1571, mention is made of the custom; and "from and about that time to the present are entered elections or appointments of "collectors of the town's customs, annually, on the 18th of October, with very few "omissions. The customs, also, are annually accounted for at audits; and frequent "mention is also made of those town's customs, or duties, at different periods and "on different occasions, in our corporation books, during all the above period. But "when this duty was first created does not appear, nor how it became vested in our "corporation;

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" corporation; but I find that, in a suit in the Duchy Court of Lancaster, by " William Molyneux, who, I presume, is the William Molyneux mentioned in the " above entry or memorandum of 1564, he obtained a decree, in the 2d and 3d of " Philip and Mary, against the Corporation of Liverpool, which I have laid before " you; in which decree, among other things, the custom of the River Mersey is " mentioned, and it is thereby ordered that the freemen of Liverpool, as well as " all others, were to pay the said custom; but they never have so done; that is to " say, they are exempt from our port duty; and, because in the same decree the " cockett seal is mentioned, I am much inclined to think that this was not the " custom or port duty now received by us; but I would beg to observe to you that, " in the year 1700, the Corporation of Liverpool took a lease for one thousand years " from a Molyneux, who was a grantee of Ditchfield, and others, purchasers from " the Crown in Charles the First's time, of the lordship of Liverpool, and in this de- " mise is mentioned the custom of the River Mersey; and lately the corporation " have purchased the reversion of such lordship from Lord Molyneux, and in this " grant also the custom of the River Mersey is mentioned. I presume, however, " that this point of the manner of our title—that is to say, how we derive it, is not " material, although I thought it proper to lay those facts before you; but I hope " that we have had so long enjoyment, and no commencement can be shown, that " our duty will in law be deemed a prescriptive duty." That is the letter referred to, written by Mr. Henry Brown, who was then assistant town-clerk.

3884. Is it "Some heads of a case"?—It is marked "Heads of case"; it appears to be quite the first step towards getting a regular case laid before counsel.

3885. You are of opinion that if the title had been closely examined into at that time, the legal title, which was afterwards fully deduced, would have been discovered?—He states that the corporation held a lease from the Molyneux family, and subsequently purchased the reversion of that lease; and if he had gone on pursuing the enquiry in that way, he would have arrived at the same state of facts which we afterwards found; that is to say, if he had pursued the investigation, by tracing up the ancient records to show what the Crown had originally.

3886. Will you explain the discrepancy which has been alluded to in reference to the title, in the evidence or statement of Mr. Statham, the former town clerk of Liverpool?—Mr. Statham told me himself, and I had it from others, that he had not had occasion to examine into the title in his time, and that he had to take the opinion of counsel with reference to the mode in which certain compositions or reductions of the dues should be made; he then stated it to be a title by prescription. As I have explained before, when he put in his answer to the Chancery proceedings, in the suit with Bolton and others, he stated that he had done that by mistake; that he had not then investigated the title; and that it was only by researches subsequently made he became satisfied of the title of the corporation, as distinguished from one by prescription and usage. The person to whom the corporation are indebted for tracing out this matter was a gentleman named Okill, who was then an officer of the corporation; he was engaged in writing a history of West Derbyshire, which would have included Liverpool. About 1825 the corporation of Bristol brought an action for dues of this description, and that cause was tried before Lord Tenterden. The evidence which was adduced was published in the form of a pamphlet, and one of those pamphlets fell into the hands of Mr. Okill. When the merchants were about disputing the title of the corporation of Liverpool, he referred to the documents which he had collected for the purposes of his history, and he found that they were precisely analogous documents, as to Liverpool, to those which had been produced by the corporation of Bristol as to their suit. He then pursued the enquiry, applying the knowledge which he had before obtained for the purposes of his history to the title of the corporation of Liverpool, and succeeded in developing that title.

3887. I believe at the time of the litigation with the Lancaster freemen and with the cheesemongers of London, the corporation of Liverpool were only lessees under the Molyneux family, and would not therefore have in their possession any of the original grants or documents of title of that family; is that so?—That is so; they were only lessees at that time.

3888. And you are of opinion that the various grants, leases and sub-leases produced clearly show that no duty or obligation was ever imposed in respect of the harbour as a consideration for the receipt of town dues?—I do not find anything

thing in the course of my enquiries to show that there ever was any such obligation imposed.

3889. The decision of the Court of Queen's Bench in the case of The Corporation of Exeter *v.* Warren, shows that no such obligation is by law required; and if it be, that the non-performance of the duty is no sufficient reason for refusing to pay the dues?—In the judgment which I have read, the Court say, it is no answer to an action of that sort that there is no obligation imposed, its not being performed; if there be an obligation upon the corporation of Liverpool, that obligation could be enforced either by indictment or by mandamus. With reference to what is called the consideration, or the duties attaching to the receipt of dues, I would observe, that upon making some inquiries as to documents in possession of the solicitor for Lord Sefton, there are several deeds of ancient date, one in the year 1556, when these dues, by name, are made the subject of a transfer to trustees, for the purpose of forming a marriage portion upon one of the ladies of that family, and there are other deeds showing the same thing; that they were treated by the Molyneuxes as completely private property, to be dealt with as they thought fit. There is another deed of the same description in 1654.

3890. *Chairman.*] Were the dues at that time leased to the Liverpool corporation?—Yes; and the Molyneux family were receiving the rents.

3891. Then it was not the dues, but the rent for the dues, that formed the subject of the marriage settlement?—Yes, the rents; but in 1556 they were only in lease from year to year.

3892. At a rent?—Yes.

3893. Mr. *Horsfall.*] Will you again state to the Committee Mr. Justice Coleridge's opinion as to consideration?—During the argument upon the Exeter case, it was said by the counsel, that a grant requires a consideration; Mr. Justice Coleridge replied, "For the grant, not for the original right."

3894. *Chairman.*] Is that so as a matter of law, that a right by grant from the Crown does require a consideration?—Yes; Mr. Justice Coleridge is showing the true distinction, I apprehend, between "consideration" as used here, as consideration for the receipt of dues, and "consideration" for the grant under which they are derived.

3895. Mr. *Horsfall.*] The fact of a commission having issued under the statute of Charles the 2d, for defining the boundaries of ports, has been frequently quoted before the Committee, and the inference is sought to be drawn therefrom, that the corporation have extended their jurisdiction according to the limits of the customs port, which it is said are more extensive than the ancient limits of the port; is that so?—There was a commission in the time of Charles the 2d, as to the port of Liverpool; but it appears to me to be quite as probable, from any information we have, that they set down the ancient limits as that they extended them. At all events, it is quite clear, from the documents I have produced in the time of Edward the 1st, that Crosby was then within the port of Liverpool.

3896. You think it is, therefore, more probable that, under this commission, the ancient limits of the port were defined than that they were extended?—It is quite as probable.

3897. But be this as it may, the same point under the same statute was raised in the Exeter case, was it not, and the Court held that the finding, under such a commission, could not explain the ancient enjoyment?—Yes; that is so. In the Exeter case, the fact of a commission having issued in the reign of Charles the 2d, was strongly dwelt upon during the argument in the case; and the Court said, whatever might be the effect of the commission for fiscal purposes or otherwise, it could not explain the ancient enjoyment.

3898. *Chairman.*] The enjoyment proved, in that case, was in the reign of Queen Elizabeth?—Yes.

3899. Mr. *Horsfall.*] In further proof that the corporation considered that they held the dues in consideration of repairing the harbour, Mr. Heron, the town clerk of Manchester, quoted from the proceedings at the Municipal Inquiry in 1833, an extract from the records, showing that they had made such repairs; will you explain how that is?—I think this is the entry which Mr. Heron read, at page 278: "Sunday being the 9th of November this year, and next after the "great wind and storms aforesaid, Master Mayor called the whole town, as many as "then were at home, together into the hall, where they councelled all in one consent

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" and assent for the foundation and making of a new haven." That is all the entry which appears in this book, and Mr. Lowe gave that as an entry from the record books before the Municipal Corporation Commission Inquiry, but it is not quite all that appears upon the record book itself. This is the whole of the entry: " The " New Haven. Robert Corbett, Mayor, 1561. Sunday being the 9th of November " this year, and next after the great wind and storms aforesaid, Master Mayor called " the whole town, as many as then were at home, together unto the hall, where they " councelled all in one consent and assent, for the foundation and making of a new " haven, turning the fresh water out of the old pole (pool) into the new haven; and " then and there before he rose, by the side of the bench, of his free will, gave a " pystol of gold towards the beginning, which that day was good and current all " England through for 5 *s.* 10 *d.*, although after, in few days, it was not so, but by " proclamation in London by the Queen's Majesty was prohibited and not current, " &c. Also, the same day, Mr. Seekerston did give, also all the rest of the congrega- " tion did give, so that in the whole was gathered that present day the whole sum of " £. 13 *s.* 9 *d.* current, &c., and put into the custody of Richard Fazakerly and Robert " Mosse, who were then appointed to be collectors for that time, &c. On the Monday " morning then next, Mr. Mayor, and of every house in the Water-street one la- " bourer, went to the old pole, and there began and enterprized digging, ditching and " busily labouring upon the foundation of the new haven, and so the Tuesday, of " every house in the Castle-street was a labourer sent to the same work. Wednesday " then next after, came forth of every house in the Dale-street to the said new " haven a labourer gratis. Thursday then next after, the Juggler-street, with the " More-street, Mylne-street, Chapel-street, every house sending a labourer, and this " order continued until St. Nicholas Day then next after, gratis." I merely quote this for the purpose of showing that the entry does not bear any such construction as that which it is proposed it should have, namely, that an assembly was called, because they were under an obligation to do this thing. It appears to have been a voluntary act by subscription, or by a sort of statute labour, amongst the inhabitants.

Lunæ, 16° *die Junii*, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Mr. Hardy.
Mr. Milner Gibson.	Mr. Fenwick.
Mr. Bouverie.	Mr. Headlam.
Mr. Cardwell.	Sir John Duckworth.
Mr. Duncan.	Lord Hotham.
Mr. Moffatt.	Mr. Vance.
Sir Stafford Northcote.	

THE RIGHT HON. ROBERT LOWE IN THE CHAIR.

William Shuttleworth, Esq., called in; and further Examined.

W. Shuttleworth, Esq.

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3900. *Chairman.*] I BELIEVE you wish to give an explanation of some part of the evidence which you gave in your former examination?—Yes. Perhaps the Committee will allow me to give an explanation with regard to Question 3811. I had read an entry from the books of the corporation as to the perambulation of the borough, and then the Right honourable Chairman asked me, " Was that " before or after the purchase of the Molyneux family?" My answer was, "It was " in 1671, before the purchase of the reversion; the lease for 1000 years was " running." The next question is: " The property was then in the Molyneux " family?" My answer is: " Yes; the corporation did not purchase the reversion " till 1777. The lease was in 1672; the entry, therefore, was the year before the " lease for 1000 years." In explanation of that, I would beg to say that the lease

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is correctly stated as commencing in 1672; but in the year 1671 an agreement for the lease was entered into, under which the corporation was in possession; and that agreement will be produced by Mr. Stanistreet, the solicitor of Lord Sefton. With reference to Question 3879, I am asked about the cheesemongers' case in 1690, and whether the corporation then claimed by prescription. I have an office copy of the proceedings and documents in that case, and the title set up by the corporation is this: "The said defendants, the mayor, bailiffs, and bur- "gesses of Liverpool (being served with process) appeared and answered, and "thereby (amongst other things) did say that the borough of Liverpool is an "ancient borough, and hath so been beyond the memory of man, and is the "principal seaport town in Lancashire, and is situate on the bank of the "River Mersey. The said town or port, including High Lake and other "places, which are and all along have been within the precinct of the said "borough and part of the said port, which River Mersey running over great rocks "by the force thereof, and violence of the sea and violence of tempests, loosens "many of the rocks, and casts up sands in the said river, hazardous for ships, which "have from time to time at great charge of the burgesses of Liverpool been "removed, whereby the haven is made convenient and safe, and frequented with "shipping; for the defraying of which said charges and other necessary uses of the "said borough there hath been, and is (either by custom or prescription, or as "Liverpool is part of the Duchy of Lancaster, or by some other right) due and "paid, and of right payable to the burgesses thereof by all persons, as well free- "men of London as others (except freemen of Liverpool), several rates or sums "called town duties, or town customs, for all goods exported out of or imported into "the said borough or port of Liverpool." I merely read that, for the purpose of showing that the title was not merely set up then as by prescription, but is put in very general words, "either by custom or prescription, or as Liverpool is part "of the Duchy of Lancaster, or by some other right."—(*The same was delivered in.* No. 50.) Amongst the documents which I put in the other day I omitted to put in some which are now prepared. This is a lease, dated the 20th of February (28th Henry 8th) 1537, "from the King to Thomas Holcroft, of the Town and "Lordship of Litherpole, with the stallage and tolls of the markets and fairs, also "the customs and anchorage, or keiltoll of the water of Mersey, within the Lord- "ship of Litherpole, for 21 years, at rent of 14 *l.*, and 6 *s.* 8 *d.* of increase."—(*The same was delivered in.* No. 51.)—I would mention in point of fact, that Mr. Thomas Holcroft assigned that lease to Sir William Molyneux, who granted a sub-lease to the Mayor and Corporation of Liverpool of one moiety for 15 years, which sub-lease will be presently produced by Mr. Stanistreet, the solicitor for Lord Sefton. In the 38th year of Henry 8th, 1546, Sir William Molyneux granted a sub-lease of the other moiety to Edmund Gee, of Chester, for eight years; that sub-lease will also be produced by Mr. Stanistreet, and that would expire concurrently with the lease of the other moiety granted to the corporation.

Vide Appendix.

Vide Appendix.

3901. In 1554?—Yes. In the year 1555 King Philip and Queen Mary granted a new lease to Sir Richard Molyneux and William Molyneux for a term of 41 years; it it dated 21st of March, 1 & 2 Philip and Mary, 1555; and is a lease from King Philip and Queen Mary, on surrender of a former lease, to Sir Richard Molyneux and William Molyneux, his son, of the town and lordship of Liverpool, &c., and the tolls and customs, &c., for 41 years, at a rent of 14*l.* 6*s.* 8*d.*—(*The same was delivered in.* No. 52). Sir Richard Molyneux and William, his son, having that lease, granted a sub-lease to the mayor and burgesses of Liverpool in 1557, which Mr. Stanistreet will also produce.

Vide Appendix.

3902. A sub-lease for what time?—A sub-lease for one year, and so on from year to year, at the will of both parties.

John Stanistreet, Esq., called in; and Examined.

John Stanistreet, Esq.

3903. *Chairman.*] YOU are, I believe, Solicitor to Lord Sefton?—Yes.

3904. Do you produce the documents which have been mentioned by Mr. Shuttleworth?—Yes; I produce a lease, dated 15th March, in the 21st year of the reign of King Henry the 8th, between Henry Accres, of Derby, within the county of Lancashire, of the one part, and Thomas Halghton, John Walker and others, on behalf of the burgesses and commonalty of Liverpool on the other part.

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3905. For what period?—"From the Feast of Saint Michael next to come after the date hereof, until the end of the term of six years then next and immediately ensuing," paying a rent of 10*l.* sterling on the feast-days therein mentioned. It is a lease of "All the customes, tolles, flesh shamaws, and ferry boate of Liv'pole, with all tacles, gablez, and other necessaries and advantages to the said customes, tolles, fleshamawes, and ferry boate belonging and before tymes acostomed and used. To have, hold, and p'cevye all and every the foresaid customes, tolles, fleshamawes and ferry boate, with all the p'fetes and advantages of theym." The original is here, if the Committee wish to see it. This is an examined copy of it.—(*The same was delivered in.* No. 53.) The next is a lease dated 3d of September, in the 31st of Henry the 8th; it is the lease which was mentioned by the town clerk, from Sir William Molyneux to Christopher Hoghe, the mayor of Liverpool, and other members of the corporation. It recites the Crown lease of the 20th of February, in the 28th year of the reign of Henry the 8th, to Thomas Holcrofte, which has been put in by Mr. Hardy, of the Duchy Office; it recites the assignment of that lease from Thomas Holcrofte to the said Sir William Molyneux. This is a lease by Sir William Molyneux to members of the corporation, of a moiety of the same premises, including the customs and anchorage, or keyll tolle of the water of Mersey, from the Feast of Saint Michael the Archangel then next to come, to the end of 15 years, subject to the several rents, on the different feast days, making an annual rent of 12*l.*—(*The same was delivered in.* No. 54.) The next is a lease of the 14th of July, 38th Henry 8th; it is a lease of the other moiety from Sir William Molyneux, to Edmund Gee, of the same premises, including, in express terms, "the custome and anchorage of keyll tolle," for the term of eight years, at a yearly rent of 8*l.*—(*The same was delivered in.* No. 55.) The next document is a receipt from the receiver of the duchy, dated the 4th of October, in the 6th year of the reign of Edward the 6th, for a half year's rent due and payable to the King at Michaelmas. This is an examined copy of the receipt. The original is here, if the Committee wish to see it.—(*The same was delivered in.* No. 56.) The next document is a lease of the 7th October, 4th and 5th of Philip and Mary, which was mentioned by the town-clerk, between Sir Richard Molyneux and William Molyneux, the son and heir of the said Sir Richard, and the mayor, bailiffs and burgesses of the town of Liverpool. It is a lease for one year, and from thence from year to year, at the will of the parties of the town and borough of Liverpool, the farm of the said town and borough, with all and singular the issues, profits, and commodities arising, coming and growing within the said town or borough, which they the said Sir Richard and William, or either of them, have or ought to have by reason of a lease and demise thereof, made under the seal of the Duchy of Lancaster, except only the mills standing or being in the said town or borough.—(*The same was delivered in.* No. 57.) The next document is unfortunately only an abstract of a deed, which is so much mutilated, that it is not possible to give a real copy of it. This is the deed (*exhibiting the same*). The Committee will see that it would be impossible to make an actual copy of that deed; but I believe this abstract gives faithfully the substance of it. It is an indenture dated the 4th of December 1635, of bargain and sale between Edward Ditchfield, John Heighlord, Humphrey Clarke, and Francis Mosse, of the one part, the Right Hon. Richard Lord Molyneux, Viscount Maryborough, Sir Thomas Walmeslye, of Dunkenaugh, in the county of Lancaster, knight, William Fazakerley, of Kirby, in the said county of Lancaster, gentleman, and John Nutter, of Pendle, in the said county of Lancaster, of the other part, the latter being trustees for Lord Sefton, the grantee of the Crown.—(*The same was delivered in.* No. 58.) I may mention, with regard to that document, that an observation was made by a witness who was examined, Mr. Part of Wigan, that the possessions of the duchy were limited to the county of Lancaster; that they had no possessions on the other side, on the Cheshire coast. That, I believe, to be an error in fact; the duchy had possessions in Halton, which is about the limit of the port up the river next to Runcorn, therefore the inference which he drew from that seems to fail. I have also been requested to produce a very ancient settlement made of these customs and tolls. The deed is dated 8th of May, in the 8th year of the reign of Elizabeth, 1566; it is a very curious document, and contains some very extraordinary provisions.

Vide Appendix.

Vide Appendix.

Vide Appendix.

Vide Appendix.

Vide Appendix.

Vide Appendix.

3906. Is it a settlement of the dues and tolls. I understood the other day that it was a settlement of the rent?—No; the dues and tolls at that time were only let

let from year to year. I find, on searching the Molyneux documents, prior to the lease of 1,000 years, the tolls and customs are mentioned in those documents; after that date the rent which is payable is dealt with by the family. I may also mention, that in all the documents I have examined of the Molyneux family, these tolls and customs appear to have been dealt with as part of the private family estates, and they do not appear in any of those documents to be subject to any kind of trust for public purposes. This document is so curious, that perhaps I had better read it.—(*The same was read.* No, 59.) I have also been requested to produce an abstract of a deed, which is a very long one; it is to show that these rents were in general terms part of the Lancashire estates, of the Molyneux's, or rather the rent which was then payable under the long lease, and were dealt with as part of the family estates. It is dated the 19th and 20th of September 1654; it is a jointure deed, in fact. It recites that Lady Frances, the Countess of Southampton, theretofore the Lady Dowager Molyneux, was entitled to a jointure which had been secured upon her marriage with Sir William Molyneux, partially upon property in Sussex; this was a deed, which, upon her giving up her claim upon the Sussex property, charged the jointure upon all the Lancashire estates of the Molyneux family. It would appear from the steward's accounts of the Molyneux family, which will be produced to you, that in the year 1660 the Countess of Southampton actually applied for and received the rent then payable by the Corporation, showing that this rent was dealt with and formed part of the security for her jointure. This is an abstract of the deed, the original is here, if it is wished to be read.—(*The same was delivered in.* No. 60.) I have not the original articles of agreement which were referred to, but I can state as a fact, that they exist. I have an abstract with me, dated 20th of March 1671; they are articles of agreement under which Caryal Lord Molyneux and Richard Molyneux, his son, agreed with the mayor, bailiffs and burgesses, the Corporation of Liverpool, that they would, on or before the 25th of March in the following year, execute to the said mayor, bailiffs and burgesses, and their successors, for the term of 1,000 years, a lease of the town and borough of Liverpool. From that date it appears the corporation were in equity the owners for 1,000 years of the premises comprised in the lease, which is dated in the following year 1672. I can hand in an abstract of the agreement which I can state is accurate, although the deed itself is at Croxteth; I was not aware that it would be wanted.—(*The same was delivered in.* No. 61.)

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3907. Can you state any other property which the Duchy of Lancaster has in Cheshire, besides Halton?—I do not speak of that of my own personal knowledge. I was reading the lease which mentioned the limits of the duchy.

3908. You said you though there were other places in Cheshire the property of the Duchy of Lancaster, can you state what they are?—I have heard that Halton and other places in the duchy were owned by the duchy; I cannot give the names, nor can I state the fact of my own knowledge.

William Shuttleworth, called in; and further Examined.

3909. Lord *Hotham.*] WHAT other documents have you to produce?—This is a lease which I mentioned in my previous evidence of the town and lordship of Liverpool, with the appurtenances from the King to Sir William Molyneux, Knight, and Richard Molyneux, his son, upon the surrender of a former lease granted to Thomas Holcroft, with same words as before, for 21 years; it is dated 24th November, 37th Henry the 8th, 1545.—(*The same was delivered in.* No. 62.) I will now produce the ministers' accounts mentioned by Mr. Stanistreet, showing that the rent of 14*l.* 6*s.* 8*d.* for the farm of the town of Liverpool was paid to the Duchy of Lancaster by Richard Molyneux, the farmer there; for the year beginning at Michaelmas, 6th Edward the 6th, and ending at Michaelmas 1st of May; it is dated 1553.—(*The same was delivered in.* No. 62A.) This is the other lease I mentioned, dated the 28th of October 28th of Elizabeth 1586, by which Sir Richard Molyneux surrenders the lease granted in 1555, by Philip and Mary, and a new lease is granted for 31 years, at the same rent of 14*l.* 6*s.* 8*d.*—(*The same was delivered in.* No. 63.) I now produce extracts from the steward's accounts of the Molyneux family from the year 1581 to the year 1685, accounting for the rents; these have been examined with the originals by Mr. Hardy.—(*The same were delivered in.* No. 64.)

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3910. Lord *Hotham.*] Have you any other document to put in?—Not in the nature of documents.

3911. *Chairman.*] You have not yet put in the grant from King Charles, I believe?—I read an abstract of it in my previous examination; I have the original deeds, but they are of very great length.

3912. Have you the bill of exceptions?—It is now being examined, and it shall be produced. I propose now to refer to the evidence which gentlemen have given with reference to the Liverpool Dock Estate. The first Dock Act was passed in the eighth year of the reign of Queen Anne, and the preamble recites: "Whereas the town and borough of Liverpool, in the county palatine of Lan- "caster, is an ancient borough, seaport, and corporation, and is entitled, and doth "enjoy divers ancient franchises, rights, and privileges; and for the better govern- "ment thereof hath several good and laudable customs not repugnant to the laws "of the realm, and hath by long experience been found to be of great importance "for advancing her Majesty's services and revenue and trade in general, and for "breeding and employing great numbers of skilful mariners and seamen; and "the said port is and may be of great use and benefit to merchants and others "trading to the northern parts of this kingdom, who by any stress of weather, and "to avoid the common enemy in time of war, may be driven upon that coast; but "the entries into the harbour or port having been found so dangerous and difficult "that great numbers of strangers and others have frequently lost their lives, as "well as ships and goods, for want of proper land-marks, buoys, and other direc- "tions into the said harbour; and when such ships have entered the said port have "been exposed to great dangers for want of a convenient wet dock or basin: and "whereas it is conceived to be highly necessary for the preservation, not only of "merchants' ships, but also of her Majesty's ships of war, that a convenient wet "dock or basin should be made, and that at the entrance into the said port and "harbour buoys should be placed, and necessary land-marks erected for guiding "and directing her Majesty's commanders of ships of war, and all other mariners "and traders trading to and from the said town and port, all which will be a means "greatly to encourage trade, advance her Majesty's revenues and the public good, "not only of the said town and port, and the counties adjacent in particular, "but of the nation in general: and whereas the mayor, aldermen, bailiffs, and "common council of the said borough in council assembled, in order for making "the said dock or bason, have granted a piece of ground, containing four acres or "thereabouts, parcel of the waste of and belonging to the said borough and cor- "poration, lying in or near a certain place called the Poole, on the south side of "the said town of Liverpoole, wherein such dock or bason may be made, the same "to remain to and for such use and uses for ever; but forasmuch as making the "said dock or bason, and the sluices and canals thereto intended to belong, and for "preserving and maintaining the same, when made, will cost more than the inha- "bitants of the said borough and corporation can raise, and that the same cannot "be effected without the aid and assistance of all trading persons to and from the "same, and that the hazard and danger all ships are exposed to for want of such "advantages being by this means in a great measure taken away." Then the mayor, aldermen, bailiffs, and common council are appointed trustees for the purpose of constructing a dock or basin, and they are authorised to levy tonnage rates upon ships using the same. The tonnage rates, which are specified in the third section of the Act, are to be continued for the term of 21 years. This was the first dock which was constructed at Liverpool, and, I believe, the first dock which was constructed for commercial purposes in this kingdom. I should state that the sum authorised to be raised under that Act was 6,000*l.*

3913. Does not the Act to which you have just referred contain a definition of the limits of the port?—Yes.

3914. Will you have the goodness to read that definition?—That is in clause 3: "And be it further enacted by the authority aforesaid, that for the "better effecting and support of the premises, there shall, from and after the said "four-and-twentieth day of June, which shall be in the year of our Lord God One "thousand seven hundred and ten, for and during, and until the full end and term "of one and twenty years then next ensuing, and fully to be complete and ended, "be paid unto the said mayor, aldermen, bailiffs and common council for the time "being, and their successors, or to their collectors or deputies to be from time to "time appointed for every ship, vessel, bark or lighter (the Queen's ships of war "and

" and others employed in Her Majesty's service only excepted), trading or coming " into or out of the said port with any goods or merchandize (the limits and extent " whereof are as far as a certain place in Hoylake, called The Redstones, and from " thence all over the River Mersey to Warrington and Frodsham Bridges) by the " master, owner or owners of such ship or ships (every of whom are by this Act " made liable to the same), the several rates, tonnage, keelage, or duties (according " to the full of their reach and burthen)."

The next Dock Act is 3d George 1st., and it recites the former Act, and recites: " And whereas the said mayor, aldermen, bayliffs and common council " who are by the said Act nominated and appointed trustees for the purposes " aforesaid, have begun to make such wett dock or bason, and carryed on the same, " so far as to be capable of taking in, receiving, and harbouring shipps; and not- " withstanding the same, and the works thereto belonging appointed to be done, are " not near perfected or finished, nor any landmarks, buoys, or other directions for " ships coming into the said harbour placed as mentioned in the said Act of Parlia- " ment, yet there has already been expended in and about the said dock above the " sume of eleven thousand pounds: and whereas soe usefull and necessary works " should not remain undone or unfinished, and the same cannot be done and per- " fected without the expense of a further considerable sume to be raised for that " purpose: and whereas the money already raised and borrowed by the said trustees " above the said sume of six thousand pounds appointed to be raised by the said Act, " and what shall be further necessary for doing, perfecting and finishing the said " works, cannot be raised under a long tract of time in the manner appointed by the " said Act: and whereas the said trustees being only part of the said corporate body, " and not the corporation itself (the burgesses of the said borough being incorpo- " rated and known by the name of mayor, bayliffs and burgesses, stand engaged and " answerable in their natural and private capacities, and have no counter-security " or means of raising what they stand engaged for, over and above the said sume of " six thousand pounds;" that part I wish to explain. Under the first Act the parties incorporated are the mayor, aldermen, bailiffs and common council; they were not the corporation as explained here, but the governing body of the corporation; the governing body of the corporation was constituted trustees for dock purposes, as distinct from the corporation itself.

3915. What was the corporation itself?—The mayor, bailiffs, and burgesses; hence this recital: " And whereas the said trustees being only part of the said " corporate body, and not the corporation itself (the burgesses of the said borough " being incorporated and known by the name of mayor, bayliffs and burgesses), " stand engaged and answerable in their natural and private capacities, and have no " counter-security or means of raising what they stand engaged for." So that, at that time, the trustees had expended more money than they were authorised to raise, and were personally liable for the difference; they were authorised by that Act to raise a further sum of money, not exceeding the sum of 4,000*l.*, and the duties granted by the first Act were continued for a further term of 14 years from the expiration of the first term of 21 years. The next Dock Act is the 11th of George the 2d, chapter 32, which recites the two former Acts, and that the money had been borrowed; " And whereas, by reason of the straitness of the entrance " into the said dock or bason from the open harbour of Liverpool, the navigation " into or from the said dock or bason is greatly obstructed, and ships and vessels " lying in the said dock or bason are frequently prevented from getting out to sea, " and ships and vessels lying in the harbour without the said dock or bason " are frequently forced on shore and lost, to the great damage of the merchants and " owners of ships and the trade of the said town and port of Liverpool: and " whereas, in case the said dock or bason was enlarged and a pier erected and " built in the open harbour of Liverpool, on the north side of the entrance into the " said dock or bason, such losses, mischiefs and inconveniences might, in a great " measure, be prevented, and the harbour be rendered more safe and commodious " for the lying, lading, and unlading of ships and other vessels resorting thereto or " trading within the said port; and the mayor, aldermen, bailiffs, and common " council of the said borough and corporation of Liverpool, have agreed to grant " another piece of ground, containing seven acres or thereabouts, parcel of the " ground belonging to the said corporation, adjoining to the entrance into the said " wet dock or bason on the north and south sides of such entrance, wherein such " pier and additional dock may be made and erected, to be held, used, applied and " enjoyed for that purpose for ever; and have also agreed to lay out, apply, and

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"advance out of the common stock of the said corporation the sum of one "thousand pounds for accomplishing so necessary and useful a work." Then they are authorised under this Act to construct another dock. Various other Dock Acts were subsequently passed, in which all the rates authorised to be charged are tonnage rates; and that continued until the passing of the Act of the 51st of George the 3rd, in 1811. Up to that time no rates were chargeable by the dock trustees upon goods at all, merely upon ships, and that was upwards of 100 years after the passing of the first Dock Act. I mention this for the purpose of showing the complete distinction between the estate of the trustees of the Liverpool Docks and the estate of the corporation. During all this period of time the corporation received their own rents and profits, and applied them to their own purposes; and the dock trustees received their rents and profits, and applied them to the purposes of those Dock Acts. It appears from those Acts that other grants of land were made by the corporation at different times, the particulars of which I shall be prepared to give to the Committee at a future period, if it is desired.

Under one of the earlier Dock Acts, the 2d of George the Third, it is recited in section 24: "And whereas, by reason of many sand-banks that lie off the "adjacent sea-coasts and the entrance into the said harbour of Liverpoole, and by "the frequent moving and shifting of the said sand-banks, and thereby choking up, "straitening, or confining the old channels and currents, and making and forming "new channels and currents in the sea, and by there being at present no light-"houses or other lights erected and set out, ships and vessels sailing to and from "the said port and harbour of Liverpoole are frequently engaged and entangled in "dark and tempestuous nights within the said banks and shoals; and the naviga-"tion into and from the said port and harbour is very difficult, precarious, and "uncertain, whereby the lives and properties of several of His Majesty's subjects "have from time to time been lost, and are frequently endangered: and whereas, "by the erecting proper lighthouses in convenient places, within or near the said "port, the navigation into the said port and harbour of Liverpoole would be ren-"dered more safe and certain, not only to all trading ships and vessels, but also "for His Majesty's ships of war: and whereas there is not any proper fund pro-"vided for answering the good purposes aforesaid, and it might be necessary in "that behalf, for the said Corporation of Liverpoole to purchase or hire certain "lands for the scites and other uses of such lighthouses." Then they are autho-rised to purchase and hire lands for the erection of lighthouses.

This estate went on increasing according to the exigencies of the times and the trade until the 51st of George the 3rd, the trust remaining the same in the governing body of the corporation. By that Act of the 51st of George the 3rd, c. 143, the dock trustees, as a separate body, were first incorporated; they were appointed trustees under a former Act, but were not incorporated. By the 51st of George the 3rd, sec. 1, it was enacted: "That the mayor, aldermen, bailiffs and "common council of the said borough of Liverpool, and their successors, shall for "the purpose of carrying all the said recited Acts and this Act into execution, and "as to all acts, matters and things relating to the docks, quays, basins, works and "buildings erected or made under the said Acts, or which shall be erected or made "under this Act, and regulating, managing and maintaining the same, and as to "all acts, matters, and things relating thereto or to the execution of the said recited "Acts and this Act, and effecting the purposes thereof, be called and known by "the name and style of the Trustees of the Liverpool Docks, and by that name shall "have perpetual succession, and shall for the purposes aforesaid have a common "seal, and by that name shall for all such purposes, and in every matter and thing "relating thereto, sue and be sued and have power and authority to purchase lands, "tenements and hereditaments to them and their successors." That was the first Act incorporating them, and enabling them to hold lands and other properties. The rates, as I have said, under the Dock Acts are applicable exclusively to the payment of interest on money borrowed under those Acts, and always have been, and now are, entirely distinct and separate from any receipts of the corporation. From very early times the transactions of the governing body of the corporation, as dock trustees, were preserved separate and distinct from their accounts as a municipal corporation, and they had separate offices and separate establishments altogether.

It appears from the passing of those Acts that the corporation, so soon as they became possessed of a secure tenure of the town and lordship under the lease for

1,000 years from Lord Molyneux, set to work to develope it, and that that first grant of four acres for the dock of Liverpool was the foundation of the present great dock estate there. This trust was constituted as a public trust, without beneficial interest to any individual, and without the payment of any dividend.

It appears from those Acts, and from the records of the corporation, that they gave altogether upwards of 39 acres of land, as I make it, for docks, besides contributing various sums of money towards forming the earlier docks; of course their income at that time was small. The corporation thus fostered and nourished this undertaking, from which has arisen this great estate. As there are no dividends payable upon the capital, commerce has been accommodated at the lowest possible rate of charge. The system adopted under the Liverpool Dock Acts is this: they have been authorised by Parliament from time to time to borrow money for the extension of their works; the interest of that money is charged upon the revenues arising from the docks, and, after paying that interest and the working expenses under those Acts, it is obligatory upon the dock trustees to reduce their rates, and they have done so to a very large extent at different periods. I believe the rates now chargeable are not the maximum rates which they are authorised to levy under their Acts.

Under the Act of the 51st George the 3rd, to which I have referred, a committee was to be appointed, consisting of 21 persons; those 21 persons were all members of and appointed by the common council, and this continued until the passing of the Act of the 6th of George the 4th in 1825, when eight members were added to the committee, being elected by the dock ratepayers. Under the first Dock Act certain commissioners, as they were termed, were appointed by the corporation and by the justices at quarter sessions in Lancashire and Cheshire. By one of the earlier Acts the commissioners were changed, and a certain number of them were elected by the corporation, and a certain number of them by the dock ratepayers, or rather at that time by shipowners only, because, until the 51st of George the 3rd, shipowners only paid rates. Under the Act of the 6th of George the 4th those who paid rates upon goods are also entitled to elect a number of the dock committee, because at that time the charges were leviable upon goods. The constitution of the committee under the 6th of George the 4th continued till 1851, and by the Dock Act then passed, a committee of 24 is appointed; 12 by the council and 12 by the dock ratepayers. The committee appoint their own chairman and deputy chairman; the chairman however being one of the 12 members elected by the council. The council have also a veto upon the proceedings of the committee by a majority of two-thirds. There seems to be some little misapprehension as to the class of persons who are entitled to act as members of the dock committee, for in a report, which was made to The House this session by the Board of Trade, upon the Birkenhead Docks Bill, there is a passage to which I will call the attention of the Committee.

3916. Lord *Hotham.*] What instances have there been of the veto being exercised since 1851?—The veto has been exercised once, and that was upon a question with respect to which the council afterwards gave way. I have prepared a list of all the vetos which have been exercised from the earliest times in 1825. This is a report of the Board of Trade, referring to the Birkenhead Docks Bill; it gives a history of the Liverpool Dock Estate to a certain extent, and on page 3, says, "In 1851 a Bill for altering the constitution of the dock committee was introduced into Parliament. The opinion of the Admiralty, as well as of the Tidal Harbours Commission, is shown by the following extract from the Report of the Admiralty on this Bill," which is then given. "The Bill, however, as passed, fixed the constitution of the dock committee as follows: 12 members are elected by the council of the borough, and 12 by the dock ratepayers; but no person can be elected a member who has not both resided in or within eight miles of Liverpool for five years, and paid rates to the amount of 25 *l.* a year on his own account, or as an *agent for persons residing in or near Liverpool.*" The words "persons residing in or near Liverpool" are printed in italics; I think that is a misconception of the Act, because the Act provides by section 9, "That no dock ratepayer shall as such be eligible to be, or shall be elected, nominated, or appointed a member of the committee, who shall be a member of the council, or who shall not be a natural-born subject of the United Kingdom of Great

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" Britain and Ireland, or a subject duly naturalised according to law, and who " shall not have resided within the borough of Liverpool, or within eight miles " therefrom, for five years previously to the day of election, and who shall not have " paid rates and duties by the said before-mentioned Acts, or any of them, authorised " to be raised, levied and collected, to the amount of 25 *l.* on his individual account, " or as agent for others residing not less than eight miles from the borough of " Liverpool, or 50 *l.* if paid by any house of trade in Liverpool, in which he may " be a partner within a year immediately preceding such election, nomination and " appointment; and in case any dock ratepayer elected to be a member of the " committee shall, after his election, be elected a member of the council, or shall " cease to pay such rates and duties as aforesaid for the space of 12 months, or " shall cease to reside within the borough of Liverpool, or within eight miles there- " from, then, and in any or either of such cases, such dock ratepayer shall cease to " be a member of the committee, and his place shall thereupon be declared by the " committee to be vacant, and another dock ratepayer duly qualified shall be elected " in his place in the manner by this Act provided." The clause says not " within " eight miles," but he must be the agent for others residing more than eight miles, so that that is hardly correct. This report says, that he must act as the agent for persons residing in or near Liverpool, whereas it is just the contrary. The 16th section explains it more clearly. A register is to be kept of the dock ratepayers, " wherein shall be entered the names of the merchants, owners, or part owners of " ships, and other persons being principals residing within the borough of Liverpool, " or within eight miles therefrom, or being agents residing within the borough of " Liverpool, or within eight miles therefrom, for principals residing more than " eight miles from the said town."

Under this system of dock management, the trade and commerce of the port have increased in a most astonishing manner, as appears from the accounts of the tonnage using the port, published with the Liverpool dock accounts, and which appear from a very early period. In the last year's dock accounts they give, in fact it is their annual custom to do so, the amount of the dock dues of the port of Liverpool from the year 1752, ending the 24th of June in each year. In the year 1757 the number of vessels was 1,371; the tonnage is not given at that time. In the year 1800 the number of vessels was 4,746, and the tonnage 450,060 tons. In the year 1810 the number of vessels was 6,729, and the tonnage 734,391 tons. In the year 1820 the number of vessels was 7,276, and the tonnage 805,033 tons. In the year 1830 the number of vessels was 11,214, and the tonnage 1,411,964 tons. In the year 1840 the number of vessels was 15,998, and the tonnage 2,445,708 tons. In the year 1850 the number of vessels was 20,457, the tonnage 3,536,337, and in the year 1855 the number of vessels was 20,024, and the tonnage 4,096,196 tons.

Now during the progress of the dock estate, and for the enlargement and extension thereof, various purchases have from time to time been made from the corporation, and those transactions extending over the last 60 or 70 years, have, as I understand, been made the subject of an attack against the corporation before this Committee. As to all the earlier transactions which have been brought forward now in consequence of their appearing in the report of the proceedings at the Municipal Inquiry at Liverpool, we can only give the explanations which were given at that time by those cognisant of all the facts. It has been stated, for instance, before the committee, that the council, exercising their control over the proceedings of the dock committee, limited the instructions given to the solicitor employed on the part of the dock estate, on the occasion of the intended purchase of land from the corporation. When the Commissioners for inquiring into Municipal Corporations visited Liverpool, an explanation was then given by the town clerk, Mr. Foster, which appears in the book from which those proceedings have been quoted. It appears from this book, at page 146, that Mr. Wilkinson, who was one of the Commissioners, asked this question: " A large proportion of the dock estate has been purchased from the corpora- " tion; can you state the particulars, and the amount paid for the same?—*The* " *Town Clerk.* From the reign of Queen Anne, down I think to the 25th George " the 3rd, the common council gave the site of all the then existing docks; by the " 39th George the 3rd, the dock estate was authorised to pay to the corporation " such sums of money as the corporation had previously paid for certain land then " wanted for docks, which by such Act were authorised to be built; subsequent

" Acts

"Acts authorised payment to be made by the dock estate for the land required "for the further extension of the docks. With regard to the mode of acquiring "the property so authorised to be purchased by the dock trustees, the Acts in every "instance direct juries to be empannelled to assess the value; and although with "regard to the property of individuals, these Acts authorise purchases to be made "by private treaty, yet in regard to purchases to be made from the corporation, the "assessment of a jury is invariably required. Under the 51st of George the 3rd "yesterday alluded to, the commissioners for auditing the dock accounts appointed "a separate solicitor or agent to act on behalf of the dock estate, before juries "summoned for the purpose of buying corporation land; and it was the invariable "practice to appoint a solicitor who was not the solicitor of the dock committee "to act on those occasions, till the passing of the Act of 6th George the 4th, by "which the constitution of the dock committee was altered, and the powers of "the audit commissioners were limited." Then the form of appointing the solicitor is given. I find an entry upon the records of the corporation with reference to the transactions whereby the powers of the solicitor, as it is said, were restrained by the exercise of the veto, and the reasons are given for the course which was then pursued; the fact being that a mistake was made, as I shall presently show from the evidence of other gentlemen, and therefore property which was not so intended did, under the wording of the Act of Parliament, as was contended, vest in the dock trustees.

3917. *Chairman.*] That is, the dock trustees contended so?—Yes; at least the dock committee contended so. This is an entry in the books dated 5th April 1826:—"At a common council held in the council within the town hall in "Liverpool on Wednesday, the 5th day of April 1826, being the first Wednesday "in the month, according to ancient custom:—Present, Peter Bourne, Esq., "Mayor, &c. &c. &c.—Resolved, by the trustees of the docks in the council "assembled, that the following entry be made in the book of the said trustees: "'A sufficient number of members to constitute a common council not having "'attended on Wednesday the 1st day of March last, being the general monthly "'council day, and no special meeting of the trustees of the docks having been held "'under the 4th section of the Dock Act of the 6th year of his present Majesty's "'reign, within one week after such general monthly council day, the proceedings, "'resolutions and directions of the dock committee, between the general monthly "'council of Wednesday the 1st day of February last and the said general monthly "'council day of Wednesday the 1st day of March last, are, under the said 4th section "'of the said Act, final and conclusive.'—The proceedings, resolutions and recommendations of the dock committee since the last general monthly council day of "Wednesday the 1st of March last having been read,—Resolved, That the same "are, and they are hereby approved, ratified and confirmed, save and except the "resolution of the committee of the 28th ultimo, 'That it should be contended "'before the jury summoned to assess the value of the property of the corporation "'required for the purpose of the docks, that so much of the site of the intended "'docks and quays at the south end of the town and in Toxteth Park as belonged "'to the corporation, became vested in the dock trustees under the Act of the 51st "'George the 3rd, section 36. And also that the attention of counsel should be "'called to the directions contained in the Act of 39th of George the 3rd, for valuing "'the land and strand at the north end of the town.' This resolution, the trustees "of the docks in this council assembled can by no means confirm, and they do "therefore, by virtue of the powers and authorities in them vested by the 4th section "of the Act of the 6th year of his present Majesty, hereby annul and make void "the same, to the intent that no proceedings whatever founded on such reso-"lution may hereafter be adopted in the annulling of the resolution in question. "The trustees beg respectfully to call the attention of the dock committee (with "a view to their future proceedings) to their want of authority to direct a resolu-"tion of that description to be acted upon previous to its having received the "confirmation of the trustees of the docks in council assembled, under the 4th "section of the Act of the 6th of George the 4th, inasmuch as such resolution "tended to cancel a subsisting agreement between the trustees of the docks and "the common council, which those two bodies themselves had only the power "of cancelling; and the trustees of the docks regret that such a resolution "should have been passed, when the proceedings which took place between "the two bodies, and which are entered in the books of the common council,

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" in the books of the trustees of the docks, and in the books of the dock com-
" mittee itself, demonstrate the intention of all parties as to the land to be pur-
" chased by the trustees of the docks from the corporation, and that the only
" equivalent to be given for the relinquishment of the old dock by the trustees was
" the elongation of the Queen's Dock by the corporation." This subject was again referred to at a later period of the proceedings, and at page 525 of this book the town clerk refers to the Liverpool Dock Act, the 51st of George the 3rd, with regard to the lengthening of the Queen's Dock, and he says, " In order that you may have a correct idea of the causes which led to the Act of " 1811, I beg to refer to a statement of the grounds on which the then dock " trustees went to Parliament, which furnishes the reasons for that application; " amongst others is the reason given by Mr. Rennie, and other engineers, of having " an extended line of sea-wall, There is also in that statement the clearest " explanation of the agreement with respect to the land at the end of the Queen's " Dock, about which the dispute arose in 1826. The reason given by the Act of " 1811, why the corporation were to undertake the lengthening of the Queen's " Dock (which they did, out of their own land, at an expense of 15,000*l.*), was in " consideration of one-half of the old dock being given up to them for the purpose " of a market, which it was then contemplated to establish there. That plan, " however, was afterwards abandoned, and the site will now be occupied by the " new custom-house. It is stated in the Act of 1811 as follows: 'And whereas " 'the mayor, bailiffs and burgesses of Liverpool are owners of a tract of ground in " 'the township of Toxteth Park, in the said county, lying immediately adjoining " 'the south end of the Queen's Dock, and extending southwardly to a mill " 'belonging to Joseph Jackson, part of which ground will be necessary for the " 'enlargement of the said Queen's Dock, for the erecting another dock to the " 'southward of the said Queen's Dock, and for making additional graving docks " 'and two additional basins, with quays and other conveniences to the same; " 'and whereas, in consideration of that part of the site of the old wet dock " 'which is hereinafter particularly described, being given up and appropriated " 'to the said Corporation of Liverpool, for the purpose of a public market, the " 'common council of the said town have agreed, at their own expense, to enlarge " 'the said Queen's Dock 190 yards in length southwardly, and in breadth not " 'less than 105 yards, and to form quays to such enlargement; be it therefore " 'enacted, that from and immediately after the passing of this Act such part of " 'the land as may be wanted for the purposes aforesaid shall be vested in the " 'said trustees, to be applied and appropriated to the purposes of this Act on " 'the enlarging of the said Queen's Dock, in making such new dock and such " 'graving docks, basins, quays, and works as aforesaid, and to no other use, " 'intent, or purpose whatsoever.' The trustees are then authorised to complete " the works. The construction to be put upon that clause is, that in the wording " of it (even by the skilful gentleman whom Mr. Radcliffe states to have been " employed with so much advantage to the dock estate) it so happened, perhaps " for the want of that local knowledge which a resident solicitor would possess, " that a mistake was made, which led to all the confusion and disputes you have " heard of. In the statement circulated before the Act in question was obtained, " the heads of the proposed clause for authorising the filling up of the old dock " are thus expressed: 'Head 6th. That authority be given to fill the old dock, to " 'appropriate the west part of it (agreeably to a plan) to the site of a custom-" 'house, excise office, dock and police office, pilots' office, and other public offices " 'and purposes connected therewith; with authority to erect the said buildings, " 'to rent or hire the same, and apply the rents to the use of the docks, the " 'corporation engaging to enlarge the Queen's Dock 190 yards by 105 at their " 'expense, in lieu of that part of the site of the old dock to be given up to " 'them, and intended for a public market-place, and to complete the same " 'previous to filling up the old dock: and further, the trustees to engage to " 'finish the additions to the Queen's Dock, and, if possible, the half-tide basin to " 'the southward of the Queen's Dock; and to proceed at the time with the " 'works for the North Dock without any delay, beyond what the nature of " 'these works may render unavoidable, previous to the old dock being given " 'up.' No language can well be clearer to show the real intention of the parties " when going to Parliament for the Bill. But what does this skilful solicitor do: " this man who, according to Mr. Radcliffe, is to set a pattern for all solicitors to

" be

" be employed in dock affairs? Why, if you look at the 36th section, you will " find that in the preamble of the clause, he asserts the corporation to be owners " of a tract of ground, part of which would be necessary not only for the enlarge- " ment of the Queen's Dock (which enlargement was all the consideration to be " given by the corporation), but also for the erecting another dock to the south- " ward, &c., and then, by the most ingenious blunder that man with such " different instructions contained in the heads of the Bill could commit, he makes " the relinquishment of the old dock not only a consideration for the lengthening " the Queen's Dock, but for all the land to the south; for making the new docks " beyond the Queen's Dock, and which the Act is contended to take from the " corporation without any payment, and apparently without any return." Then another gentleman who was not a member of the council, but one of the rate-paying members of the dock committee, was asked about this same question. This is the evidence of Mr. Robert Gladstone, who had been for many years an active member of the dock committee and elected by the ratepayers. He is asked (page 172): " Do you remember a resolution of the committee with regard " to the instructions to be given to the solicitor in 1826, in respect of the pur- " chase from the corporation of land to the southward of the Queen's Dock " by jury?—*Mr. Gladstone.* I remember that it was a subject of controversy " which lasted a considerable time, and some of the members of the committee " entered a protest on that occasion.—*The Town Clerk.* It was so; I have not " the protest, but they contended that by the legal construction of the clause " in the 51st George the 3rd, that land was vested in the dock estate; the " council maintained that if the Act did so vest it, it was by mistake, and " accordingly applied for and obtained another Act to rectify it, and thus " settled the dispute.—*Mr. Gladstone.* That is correct; it was admitted to be " a mistake, but as the language of the Act was so precise, we were not justified " in paying the money until it was rectified.—*Mr. Gladstone.* The language " of the Act of Parliament vested the property in the docks without saying any- " thing about the payment, but it was understood to have been an oversight, and " that there would be a bill to direct the property to be paid for." It appears that subsequently a Dock Act was passed, the 9th of George the 4th, which did correct that mistake; I am particular about this subject, only for this purpose: the Committee might suppose that the corporation having to deal with their own land, had exercised the power improperly, to the prejudice of the dock estate, and for their own benefit. I wish to show that, after a careful inspection, and as the result of research, that is the only instance upon which, upon any occasion whatever, the solicitor who was appointed by the Commissioners (he did not receive his instructions from the dock committee) was interfered with in all the purchases which took place; and that appears to have been a mistake which was corrected by the Dock Act, the 9th of George the 4th, c. 114, which is " An Act to " explain and amend two Acts of the 51st year of his late Majesty, and the 6th " year of his present Majesty, for the Improvement of the Port, Harbour, and " Town of Liverpool, and to authorise the trustees of the Liverpool Docks to pay " for certain lands and hereditaments purchased under the said Acts." It appears, from the explanations given by Mr. Foster, the then town clerk, at that time (of course it was before I had any connexion with the corporation), the whole transaction referred to was brought before Parliament, and Parliament was satisfied that it was a mistake, as was stated. In addition to the information and explanation given at the Liverpool Inquiry, Mr. John Stewart, the present mayor of Liverpool, a surveyor of great eminence, who is employed by the Commissioners of Woods and Forests, and who acted, I believe, on the part of the dock estate, not for the corporation, in all the purchases from the corporation and others, for upwards of 30 years, will be prepared to give you a complete account of every transaction.

I understand it has also been alleged before the Committee that the corporation, by their veto upon the proceedings of the dock committee, have prejudicially interfered with the management of that estate. I have the resolutions which were passed upon every occasion upon which a veto has been exercised since 1825, and I find that up to the present time there are 12.

3918. Are there any before 1825?—No; that was the first Act which gave the veto. Up to that time the Committee consisted exclusively of 21 members appointed by the council. The first exercise of the veto I find is the one I have

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referred to about the land; the mistake. There was another where the dock committee proposed to consent to the mooring of a floating bath, which was the subject of a contest at that time; it was supposed that it would be a very great nuisance, and interfere with the docking of vessels at George's Dock, and at that time the council vetoed the recommendation, but subsequently the bath was moored there for several years. Then there was a veto in respect of excavating the rock and enclosing the ground to the north-west of Princes Dock. At that time the dock committee wished to take a piece of land there for the purposes of a dockyard; the land itself was then occupied by stone for the building of a light-house by the corporation, therefore it was not available for that purpose. There was another resolution with respect to the admission of reporters into the dock committee, which the council at that time vetoed.

3919. In what year was that resolution passed about vetoing the admission of reporters?—In 1835. When the Municipal Act was before Parliament, the dock committee were desirous of introducing some clauses into the Municipal Corporation Act, as to the constitution of the dock trust. The trustees vetoed that, stating that it was a subject beyond the province of the dock committee and was a subject for Parliament to consider.

3920. The trustees being the corporation?—Yes. In 1840, the question of the admission of reporters came on again, and then the dock committee wanted to exclude the reporters. The council said they would have reporters admitted; so that they changed sides on that occasion; and the council vetoed the resolution of the dock committee, that reporters should not be admitted. In 1848, a question came before the trustees as to the purchase of a large quantity of land from Lord Derby. Under the Dock Acts, if the proceedings be not annulled at the monthly meeting next after their passing, or at a special meeting within seven days thereafter, they become confirmed; and on this occasion a recommendation as to that land was entered upon the minutes of the committee; but subsequently some further negotiations took place, and the chairman of the dock committee himself moved the exercise of the veto, in order to prevent that proceeding being confirmed, and to give further time for negotiation. In 1849, the veto was exercised upon the question of rating the docks, which has been referred to by two or three of the witnesses here. The parish of Liverpool at that time proposed to introduce a Bill to make the Liverpool Dock Estate rateable to the relief of the poor. The question was one very much discussed in Liverpool at that time. Several persons in the council and in the dock committee were in favour of the rating of the Liverpool Docks, and others opposed it. The chairman of the committee, at that time Mr. Henderson, a merchant, approved of it; and the dock committee proposed to present a petition to Parliament upon the subject of this Bill, and the chairman refused to affix the seal to it as being the petition of the trustees, until the trustees had had an opportunity of considering it; they therefore vetoed the proceeding. The effect was, as I understood it to be stated, to prevent the trustees from appearing upon that question; but that is not so, for that Bill never proceeded to a second reading; therefore the trustees were not prevented from being heard, and in passing the resolution the council as trustees stated that all the circumstances relating to such a question ought to be brought before Parliament, and would have been brought before Parliament, but in a different way. They objected to the seal of the trustees being affixed to the petition before they had had an opportunity of considering it. The next exercise of the veto was in 1849, upon the question of the mode in which certain accounts had been made out as to the cost of Albert Dock. A question arose as to what was the proper mode of making out those accounts; when they were brought up in one form the council objected to them, and they were vetoed. They were then further inquired into, and it was ascertained that the point which the members of the council had brought forward was correct, and that the accounts as originally brought up were not correct. The last exercise of the veto under the constitution up to 1851, was upon the question of a retiring salary to the solicitor of the dock estate. It was proposed by the dock committee to grant a retiring allowance to this gentleman, who had occupied the situation of solicitor to the dock trustees. Upon that question coming before the council they vetoed it, because they conceived that he had only been a short time in the service, and that circumstances did not call for such a payment. Then, since the Act of 1851, when the constitution of the committee was changed, the veto has been exercised once,

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and then, as I have stated before, at a subsequent meeting, it was withdrawn. The question there was, as to a contract into which it was proposed to enter for executing a considerable quantity of work under the dock trust. The dock committee had advertised for tenders for a certain portion of the work, and those tenders were received. The lowest tender was that of a gentleman named Baker. Having received those tenders, it was proposed to alter the mode of executing the work, and to have it done under the immediate superintendence of the dock engineer himself. Several gentlemen thought that was a wrong course of proceeding; that if they had intended to do that, no tenders should have been asked for from other contractors, and that they ought not to change their plan after gentlemen had taken the trouble to put in tenders. The council took that view of it, and vetoed the proceedings; subsequently the veto was withdrawn upon further explanations, and the work was done under the dock engineer. Those are all the occasions that I find upon which the veto was exercised, and I will put in the resolutions with respect to each occasion.

I have alluded to the quantities of land which have been given from time to time by the corporation for dock purposes. I understood Mr. Heron to say, that nothing had been done in that way since 1784 or 1785; not done under that Act or since. Under that Act, which was the 25th of George the 3rd, the corporation did give about 12 acres of land for the docks.

3921. In what year was it that the corporation gave that land?—1775.

3922. Was it immediately after the Act?—It is recited, that they were to give land for the purposes of that Act, and they did give about 12 acres of land under that Act of Parliament. Then, under the 51st of George the 3rd, they gave upwards of four acres of land, and enlarged the Queen's Dock, at a cost of 15,000*l.* But, in consideration of this grant of land and enlargement, the corporation were to receive in exchange part of the site of the old dock, which was intended to be filled up as the site of a public market. This intention to erect a market was afterwards abandoned, and the site, with other lands, was given to the Crown as a site for the custom-house and revenue buildings.

3923. Do you mean the Pool?—It was on the side of the Pool; it was not quite the Pool itself.

3924. Lord *Hotham.*] Was there any sale of land under the Act of the 39th of George the 3rd?—Yes; there was a sale of land under that Act to the dock estate, but the corporation were to sell at the price which they had paid.

3925. And they did so?—Yes; so far as I know and believe. If a market had been erected upon the site of that dock, of course it would have produced a revenue; but that was entirely abandoned, and it is what is now the site, or part of it, of the present custom-house. Again, under the Dock Act of the 6th of George the 4th, the corporation made a free grant of the reversion of a valuable lot of property for dock purposes. I believe it was about 21,000*l.* worth.

3926. *Chairman.*] How much land?—It was the reversion of a quantity of land, the leasehold interests of which were to be purchased. It is referred to in the 46th section of the 6th of George the 4th, c. 187: "And whereas, with a "view to effecting the widening and improvement of the quays and approaches to "the docks in the more central part of the said town of Liverpool, and for the "better facilitating the execution of this Act, the mayor, aldermen, bailiffs and com-"mon council of the said town have agreed to give and grant to the said trustees "of the Liverpool Docks the reversionary interest belonging to the mayor, aldermen, "bailiffs, and burgesses of the town of Liverpool aforesaid, of and in the several "houses, buildings, lands, and tenements specified in Schedule (B.) annexed to this "Act, in the event of the said trustees completing the purchases of the whole of the "leasehold and other interests in the several properties therein specified, and also "in the properties and leases in Schedule (C.) annexed to this Act; be it therefore "enacted, that when and so soon as the said trustees shall, under and by virtue of "the powers and authorities in this Act contained, have completed the purchases of "the leasehold and other interests of and in the whole of the several houses, buildings, "lands, and tenements specified in the said Schedules (B.) and (C.) to this Act "annexed, the said mayor, aldermen, bailiffs, and common council shall, by good "and sufficient conveyances or assurances in the law, to be passed under the "common seal of the said mayor, aldermen, bailiffs, and burgesses, well and

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" effectually cause to be conveyed to and vested in the said trustees of the Liverpool " Docks such reversionary estates and interests in the said premises comprised in " Schedule (B.) as shall belong to them the said mayor, aldermen, bailiffs, and " burgesses, without payment of any sum of money or consideration for the same; " and that in the meantime they, the said mayor, aldermen, bailiffs, and burgesses, " shall not dispose of the said reversionary interest to any other person or persons." As I have already stated, I believe the total area of land given by the corporation for dock purposes, from time to time, is upwards of 39 acres; and they have at various times contributed sums of money for the construction of docks, amounting, with certain other arrangements which I shall afterwards explain, to about 40,000 *l.*, and that was done when their income was comparatively small.

It has also been stated before the Committee that the dock estate pays a large sum of money to the corporation for police employed at the docks. The dock trustees, through the dock committee, pay for the special services of so many of the police as are required for the protection of the valuable property which is constantly exposed on the dock quays; several of those docks are open and unin-closed, and special police service is required for the purpose of protecting the property there. All this is upon the estate of the dock trustees, and they pay for the special services in the same way as any railway company provides police within its own premises. Under the Dock Act of the 51st of George the 3rd, the dock trustees were authorised to nominate and pay constables, and they did appoint and pay a dock police, which continued a distinct and separate body from the town police until the passing of the Dock Act in the fourth year of the reign of Her present Majesty. At the time of the passing of the Act of the 4th of Victoria, a police force had been established within the borough under the Municipal Corporations Act. The dock police was then a separate body, and very great inconvenience was found to result from the existence of two separate police forces. This question was brought before Parliament in 1836, and again under that Act of the 4th of Victoria; the 134th clause points out the arrange-ment which now exists with reference to the police: " And whereas by the said " recited Act passed in the 51st year of the reign of his Majesty King George " the 3rd, it was provided, that it should be lawful for the said trustees from time to " time to nominate and return to any two or more magistrates of the said borough " such and so many persons as they should think necessary as constables for the " purpose of preventing or discovering thefts and frauds in the said port and har-" bour of Liverpool, and the said docks, quays, wharfs," and so on. They were to be sworn in and have jurisdiction as constables; and then it recites: " And whereas " the council of the said borough of Liverpool have by the watch committee of the " said borough embodied and established a constabulary or police force under the " provisions of the said Act for the regulation of Municipal Corporations in England " and Wales: and whereas the existence of a constabulary or police force separate " and distinct from and independent of the said constabulary force, appointed " and regulated under the provisions of the said Act, has been found to be produc-" tive of inconvenience, and it is expedient that the constabulary force appointed by " virtue of the said Act of the 51st year of his Majesty King George the 3rd " relating to the said docks, and the constabulary or police force of the said borough, " should form one general force, and that the same united constabulary or police " force should be appointed by and be under the regulations and management of " the said watch committee, and that the said trustees should pay such portion of " the expenses of maintaining the same general force, and all expenses incident " thereto, and to the maintenance of the efficiency thereof, as, in respect to the " employment of the said force under the said Act of the 51st year of His Majesty " King George the 3rd and this present and any other Act relating to the said " docks, may be just and reasonable." And then it goes on to provide: " And the " said trustees are hereby authorised and required out of the rates and duties to be " raised by virtue of any of the said recited Acts or of this Act, to pay and allow to " the treasurer of the said borough, such monthly or other just and reasonable sum of " money for the employment of the said united general force in or about the said " docks, warehouses and other works, as shall from time to time be ordered by the " said watch committee and be approved by the council of the said borough; pro-" vided that in case any difference shall arise between the committee for the affairs " of the estate of the said trustees, and the said watch committee, as to the amount " of such monthly or other sum of money so to be paid and allowed as aforesaid,

" such

" such difference shall be decided by the arbitration of a barrister, to be named in " the same manner as is provided in case of a difference with respect to the pay- " ment of monies under contracts made by authority of an Act made in the 5th year " of his Majesty King George the 4th, called, 'The Gaol Act.'" The police which are paid for out of the funds of the dock trustees are those only who are exclusively employed on the property of the dock trust.

Then it is stated also that the dock estate pays the expense of watching, lighting and repairing the streets along the quays, and that is so as to providing lights upon their own property. In one of the early Dock Acts it is recited that accidents have occurred for want of proper lights on the dock quays, and also that the want of such lights facilitated smuggling; and the dock trustees were then authorised to provide lamps, and they have continued to provide lamps upon the actual quays, the property of the trust. It has also been stated that the dock trust defrays the cost of paving its own quays. That is so as to the quays which are actually vested in the dock trust, and this is done purposely by the dock trust to avoid the dedication to the public, which would result if the public authorities out of the rates were to pave that portion of the land. So careful are the trustees in distinguishing their own boundaries, that they put marks to show to what extent the boundary comes. They do this in order that they may have the land available whenever it is wanted for dock purposes; thus they have recently erected a shed on the east side of the Wapping Dock. A part of that shed stands upon land over which the public passed; but as it has never been dedicated as a public street, they had authority to enclose it, and did so. This system is further explained by a recital in the provisions of one of the Dock Acts, the 9th and 10th Victoria, by which the dock trustees are authorised to construct several new docks, and amongst other things to enclose several streets which had been before dedicated to the use of the public. The preamble of the Act of the 9th and 10th Victoria, recites: " And whereas, part of the street " called 'East-side, Salthouse Dock,' consists of dock quays vested in the trustees " under and by virtue of the said recited Act, which quays have not hitherto been " enclosed for dock purposes, and the same street and the streets called 'Duke's- " 'place' and 'Wapping,' form one continuous line of road, which is the principal " thoroughfare for the conveyance of merchandize to and from the central docks of " the trustees, and the same road being of insufficient width for the convenient use " of carts and carriages employed thereon, it is desirable that a new street instead of " the last-mentioned streets should be laid out and formed in and upon the lands " authorised to the purchased under the powers of this Act, such new street to extend " from Canning-place to the north-east side of the street called 'East side, Queen's " 'Dock.'" Then by the 21st section of the Act the dock trustees are authorised to make the new street, but to make it only of the average width of the old street, exclusive of the dock quays: " That the trustees shall and are hereby required to " lay out, construct, pave, complete, and finish on the lands comprised in the said book " of reference, and in the line described on the said plan deposited as aforesaid, a " new street, to extend from Canning-place aforesaid to the north-east side of the " said street, called 'East-side, Queen's Dock,' and to be of not less width than " 48 feet and 10 inches, the same being the average of the present line of road " called 'East side, Salthouse Dock,' 'Duke's-place,' and 'Wapping,' exclusive of " dock quays; and such new street shall be formed with a sufficient footway," and so on. After having reserved the property to themselves by paving it, they obtained the right to use it for dock purposes, and they obtained authority from Parliament only to make the new street of the average width of the old street, exclusive of the dock quays; but under the 22d section it is enacted, " That in " case the mayor, aldermen and burgesses," (that is the corporation) "shall consider " it desirable for the improvement of the town that the said new street shall be of " greater width than hereinbefore provided, it shall be lawful for the mayor, " aldermen and burgesses to pay to the trustees at such days or times, and in " such manner as the mayor, aldermen and burgesses, and the trustees, shall " mutually fix and determine, a sum equal in amount to the price or value of " the land required for such additional extension of the said new street; and in " such case it shall be lawful for the mayor, aldermen and burgesses, if they " shall think proper, instead of paying to the trustees the whole or part of such " money, as the case may be, well and effectually to convey and assure to the " trustees, by good and sufficient conveyances and assurances in the law to be " passed under the common seal of the mayor, aldermen and burgesses, the

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" whole or a competent part of the reversionary interest of the mayor, " aldermen and burgesses in the lands comprised in the said book of reference," and so on. A large quantity of the property upon which that new street and those new works were executed was property which was held under leases from the corporation; and therefore, in respect of that reversionary interest, a very large sum would, under the provisions of the Act, have been payable. The average width of that street, 48 feet 10 inches, would have been utterly insufficient for the traffic of that neighbourhood; that is purely dock traffic, leading from the south towards the centre docks; and the corporation agreed with the dock committee to make that street 72 feet in width, and it has been constructed. The contribution of the corporation in that respect, as I believe the mayor, Mr. Stewart, will tell you, was about 30,000*l.*

Reference has also been made before this Committee to the purchases by the corporation of land in Wallasey Pool; and it is stated, as I understand, that the object of the corporation in making those purchases was to prevent the formation of docks there. This subject was also referred to at that municipal inquiry which has been so often mentioned, and the then town clerk gave an explanation of the circumstances. I should not allude to these matters, only that they have been published and circulated, and certainly tend to give the impression that the corporation had acted unfairly or improperly in some way upon these matters. Now at that time Mr. Forster gave this explanation upon the subject. I should state that these lands originally belonged to Mr. Price, and have been purchased from him by different gentlemen from whom the corporation purchased; but in most cases the conveyances were taken immediately from Mr. Price, inasmuch as no formal conveyance had been executed by him to the other parties. I mention that for the purpose of showing how the name of Mr. Price comes here: " At a special council held in the council chamber within the " town-hall, on Wednesday, the 15th day of October 1828, for the purpose of " receiving a communication from F. R. Price, Esq., in reply to the resolution of the " last council, and of adopting such measures thereon, and also such other mea- " sures respecting the land recently contracted to be purchased in Wallasey Pool, " as may be deemed advisable: The council, having taken into consideration the " letter, copied underneath from F. R. Price, Esq. in reply to the resolution of " the last council,—Resolved, That Mr. Price be informed that the purchase of the " land in question is considered by the council as made upon the understanding " expressed in the resolution of the council on the 1st instant, that the Pool is to be " appropriated to the purposes of trade connected with the interests of the Port of " Liverpool." Mr. Price's letter is copied: " Woodside, 10th October 1828.— " Sir, I have the honour to acknowledge having received, through Mr. Foster, the " Report of the common council relative to the intended purchase of land from me " by the Corporation of Liverpool; and though I cannot but regret that the com- " mon council decline giving the pledge (as to the appropriation of the land) which " I conceived myself entitled to demand, and which I considered had in some degree " been acceded to, yet I must beg to express my gratification at the intentions " expressed by them of appropriating Wallasey Pool, and the land intended to be " purchased, to the purposes of trade connected with the interests of the Port of " Liverpool; and in consequence of the conversation I had the honour of holding " with you and Mr. Case yesterday morning, I have no hesitation in confirming " the sale of land, without requiring any distinct pledge as to its appropriation. " Feeling, however, that it was clearly understood by us all, that the purchase is to " be appropriated to the purposes of trade connected with the interests of the Port " of Liverpool, and that the corporation will, as speedily as possible, apply to the " Legislature for power to carry such intentions into effect, I cannot conclude with- " out expressing my sincere hope that the interests of the Port of Liverpool, and " of those interested on this side of the water, will ever be intimately identified, and " productive of mutual advantage to all parties. Permit me, sir, to express to yourself " my sincere acknowledgments for the extremely polite and gratifying attention I " have personally received from you. I have the honour to remain, sir, your obedient " servant, (signed) *Francis Richard Price.* To the Mayor of Liverpool."—" Resolved " also, That the select finance committee be and they are hereby authorised to carry " into execution the agreement with Mr. Price, and several other agreements " recently made for the purchase of land in Wallasey Pool, and to take into consi- " deration and make a report to the council (accompanied with plans), of the best " uses to which the same may be applied, due regard being had to the interests of

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"the estate ofthe trustees of the docks as well as of the corporation, and that the "committee be authorised to confer with the dock committee upon the subject. "—Resolved also, That the select finance committee be and they are hereby author- "ised to directa notice to be given of an application to Parliament in the ensuing "session for a Bill, should they deem it advisable so to do upon the conference with "the dock committee." The select finance committee, having taken the subject into their consideration, requested the attendance of the dock committee for the purpose of a conference as to "the best uses to which the land recently purchased "in Wallasey Pool may be applied, due regard being had to the interests of the "estate of the trustees of the docks, as well as of the corporation; and the com- "mittee having been authorised to confer with the dock committee upon this "subject," the dock committee attended as requested, and came afterwards to the following resolution: "At a meeting of the dock committee, 28th October "1828: Present, H. B. Hollinshead, Esq. chairman, &c. &c. &c., the following "resolution of the select finance committee of the common council having been "'read, viz., 'Committee Room, Town Hall, 22d October 1828.—At a meeting of "'the select finance committee, held for the purpose of conferring with the dock "'committee on the subject of the late purchases in Wallasey Pool, it was "'resolved, that the notice now read (and sent herewith), of an application to "'Parliament for a Bill in the ensuing session be adopted, but that previous to the "'same being published, a copy thereof be transmitted to the dock committee, "'with a request that they will at their meeting on Tuesday next furnish this com- "'mittee with any remarks or suggestions which may occur to them thereon. Re- "'solved also, that the surveyor be directed to attend the dock committee on "'Tuesday next, with the plan now produced of the various purchases of land "'recently made in Wallasey Pool for their inspection, and for the purpose of afford- "'ing explanation thereon.'" Then comes the notice, and it is a notice of an application in the next session, "for leave to bring in a Bill for making, con- "structing and maintaining a dock or docks in or near to Wallasey Pool," and so on. Signed by "Statham, town-clerk." That notice, with a communication made from the select finance committee, were brought before the dock committee, and it was resolved: "That it is the opinion of this committee that "the present dock accommodation, consisting of 47 acres and 1,025 yards, toge- "ther with the new docks now constructing, containing an additional space "of 43 acres and 2,359 yards, and which the trustees of the docks are bound "to complete, will be amply sufficient to supply the wants of this port for many "years to come: and that therefore this Committee do not concur in the pro- "priety of giving the proposed notice for an Act of Parliament for making 'docks in Wallasey Pool." The town-clerk goes on with his explanation: "By these resolutions it will be seen what would have been done with regard "to that purchase by the ratepayers. The motion was moved by Mr. Horsfall, "and seconded by Mr. Myers, both ratepaying members of the committee, "and was carried by nine to five, the majority being composed of five rate- "payers and four councilmen, and the minority of four, every one members of the council." I quote this for the purpose of showing that at the time the corporation intended to proceed with the application to Parliament for powers to construct docks, the dock committee were of opinion that there was no necessity for such docks; that the then space of 47 acres and 1,025 yards, and the new docks, being 43 acres and 2,359 yards, provided ample accommodation; and that resolution of the dock committee was carried, not by gentlemen from the council, but by those elected by the ratepayers.

With reference to this Wallasey Pool property, the coporation held it, except a small portion which was sold or let on long leases (a small portion on the north side of the Pool) until 1843 and 1844; they then sold the whole of the land on the south side of Wallasey Pool on leases for 75 years, which is the ordinary and customary mode of leasing by the corporation. Those leases were sold partly by private treaty and partly by public auction. Some of those sales were made after the publication of the notices of the intention to apply to Parliament in the Session of 1844, for a Bill to construct docks in Wallasey Pool by the Birkenhead Commissioners. Mr. Heron stated before the Committee that the corporation availed themselves of the rage for speculation in land, consequent upon the publication of those notices to obtain a higher price for the land. I think he stated that the corporation sold the whole of this land at an average price of 16*s.* per yard. I have not the particulars here, but they can be produced before the

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Committee if required. Considering the amount originally paid for the land, and the loss of interest upon the purchase-money, there is a very small profit upon the whole transaction. This land on the south side of Wallasey Pool is that which afterwards became the property of the Birkenhead Dock Company, who purchased the interest of the lessees of the corporation.

The Bill promoted by the Birkenhead Dock Commissioners in the Session of 1844, for the construction of dock works in Wallasey Pool was passed; and in the following year the dock company was established for the construction of docks and warehouses, and acquired the leasehold interest in the land at the south side of the pool. Various Acts were subsequently passed to enable the Birkenhead Dock Commissioners, who were subsequently called the Birkenhead Dock Trustees, to construct walls round Wallasey Pool, and for other purposes, for the completion of docks there. The works authorised by those several Acts were only very partially carried into execution, the Birkenhead Dock Trustees being unable to obtain the necessary funds. In the Session of 1855 the trustees of the Liverpool Docks applied to Parliament for powers to construct additional docks and works, and to borrow a large sum of money for the purposes of their trust. The Birkenhead Dock Trustees and Birkenhead Dock Company had also several bills before Parliament relating to their works, and by one of those bills it was proposed to renew the application to Parliament which had been originally made by the first promoters of the Birkenhead Dock Bill in 1844, that the Corporation of Liverpool should not be entitled to receive any town dues upon goods imported into, or exported from the Birkenhead Docks; that Bill was of course opposed by the corporation, the other Bills were opposed by the Liverpool Dock Trustees, and the Bill of the Liverpool Dock Trustees was opposed by all the Birkenhead authorities; all those Bills were referred to the same Committee, and of that Committee Mr. Labouchere was the chairman. After the case of the Liverpool Dock Bill had proceeded a considerable length, the chairman intimated his opinion, and that of the Committee, that the public interests would be best consulted by the dock system on both sides being made one system, and the whole being placed under one control and management, with an assimilation of dock rates on both sides of the river. This led to negotiation between the Birkenhead Dock Trustees and Birkenhead Dock Company and the Liverpool authorities, which resulted in an agreement for the purchase of the Birkenhead properties by the corporation. One stipulation in that agreement was that the consent of the Board of Trade should be obtained; and in consequence of that, the mayor of Liverpool addressed to that Board a letter which I now propose to read, and in which all the circumstances which induced the corporation to effect that purchase are detailed; this is the letter which the mayor of Liverpool wrote to the Board of Trade.—(*The same was read.* No. 65.)

Vide Appendix.

Subsequently to the forwarding of that letter several meetings of the Committee took place, and interviews with the Board of Trade, and ultimately the Committee themselves requested the Board of Trade to make a report upon the Bill, a copy of which I hold in my hand. I do not wish to detain the Committee by reading all this document, unless they desire it. This Report of the Board of Trade contains several recommendations as to the mode in which the transfer to the corporation should be completed. To some of those recommendations the corporation agreed, and to others of them they did not agree, and the subject having been considered in Committee those recommendations were not approved of.—(*The Report was delivered in.* No. 66).

Vide Appendix.

A Bill was passed, authorising the transfer of all those properties to the Corporation of Liverpool, and they now hold them under the terms of that Act of Parliament. It was provided by the Act of last Session that the corporation were to issue bonds to the Birkenhead Dock Trustees and the Birkenhead Dock Company for the purchase of those two properties; they have done so, and the bonds amount to 1,143,000*l.* The corporation are, under the Act of last Session, authorised to borrow a further sum of 500,000*l.* to complete the works. That 500,000*l.* would be insufficient to carry out the works according to the authorised plans, and the corporation during the present Session applied for a Bill to alter those plans, and to raise a sufficient sum of money for completing the works. However, the Committee upon the Bill were not satisfied that the works which were proposed by the corporation were so good as those which were authorised by Parliament, and they therefore rejected that Bill; so that the corporation stand, under the Act of last Session, bound to execute the works according to the present plans. The whole purchase of the Birkenhead properties,

properties, and bringing the docks into practical operation, so far as we can form an opinion, will amount to about 2,000,000*l.*, including the 1,100,000*l.* odd already incurred.

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In addition to this liability, the debt of the corporation on the 31st of August last, up to which date in each year the accounts are under the Municipal Act required to be stated, amounted to 1,007,362*l.* It was stated before this committee, as I understood Mr. Heron, that he asked the Shipping Dues Commissioners at Liverpool to procure a statement of the debt, but that he was unable to obtain it; and as I understood him, he wished it to be inferred that something had been concealed. Now, I state that the Commissioners at Liverpool expressed themselves perfectly satisfied with the full information which had been given to them on the part of the corporation, and I have the short-hand writer's notes of what took place, in order to prove that if it is disputed.

With reference to the debt of the corporation, it should be understood by the committee, that since the passing of the Municipal Corporations Act, no corporation can borrow money as a charge upon their estate without the consent of the Lords of the Treasury. In the year 1836, the year after the passing of the Municipal Act, the debt of the Liverpool Corporation was 1,008,561*l.*, being a little more than it is at this time.

This large debt has been incurred by the corporation, principally for the purpose of widening and improving streets, forming communications to and from the docks, warehouses and commercial parts of the town. All those improvements have been effected under the authority of various Acts of Parliament. The first Improvement Act obtained was in 1786, a very few years after the corporation acquired by purchase the Lordship of Liverpool; that Act recites: "Whereas "several of the streets within the town of Liverpool, in the county palatine of "Lancaster, leading to and from the Exchange, and also to and from the several "public markets or market-places called Derby-square and the White Cross, are, "from the very great increase in the number of inhabitants and the trade of the "said town, become too narrow and inconvenient, and are also very much obstructed "by projections," and so on; "and a great hinderance to the despatch of trade and "business carried on in the same town: and whereas the forming of one or more "communications from the dock called George's Dock to the internal part of the "town would be of great advantage to trade." Under this Act, Castle-street, and other streets leading from it and the Exchange to the docks, were opened and widened at the sole expense of the corporation. All those streets which were so opened and widened were either in immediate connexion with the docks, or with the business parts of the town.

The next Improvement Act was in 1820, the 1st of Geo. the 4th, by which power was taken to open and widen streets called Old Hall-street, Tithebarn-street, Chapel-street, Moorfields and Water-street, all being direct communications to and from the docks and the warehouse streets of the town and the offices of merchants and persons carrying on business there. Another Act was obtained in 1826, the 7th of Geo. the 4th, which recites the former Acts: "And whereas the "streets called Lord-street, Castle Ditch, Harrington-street and James-street, in "the town of Liverpool in the county palatine of Lancaster, are in the central "part of the said town, and the principal thoroughfares to some of the docks "there, and are extremely narrow and inconvenient: and whereas the streets "called John-street, New John-street, Marshall-street," and other streets named, "are also in the central part of the same, and are the principal thoroughfares to "other parts of the said docks there, and are extremely narrow and inconvenient: "and whereas the streets called Covent Garden, Lancelot's Hey and Great "Howard-street in the said town, which are at a short distance from the docks, "are very great thoroughfares, and in consequence of the additional dock works "intended to be constructed to the northward of the said town, are likely to "become much greater thoroughfares." Powers are conferred upon the corporation for opening and widening those streets, all of which has been done at a very large expense.

Another Act was passed in the 11th of George the 4th, under which a new street was made at the north end of the town, communicating with the north docks. That is the last Act which passed previous to the Municipal Corporation Act being in operation, and under all those Acts of Parliament the corporation borrowed their money upon their own bonds, without a specific direction as to how the money was to be raised; nor was it, so far as I can find, customary in

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Improvement Acts at that time to adopt the modern system of stating what sums should be raised. In 1837, the 1st of Victoria, the corporation obtained another Act, under which Canning-place and other streets in the immediate neighbourhood of the Custom-house were completed, and under that Act they were authorised and empowered to borrow the sum of 250,000 *l.* I find that the cost of the improvements effected under those various Acts of Parliament has been 846,791 *l.*

I saw during the debate and proceedings upon the Shipping Dues Bill, that it was stated that if that Bill were passed, it would be necessary to introduce some such measure as the Scottish Burgh or Harbours Bill; and, upon referring to that Act, I find that the Corporation of Liverpool seems from these early times to have anticipated the provisions of that Act by making convenient approaches to the docks. Under this Act, certain Royal burghs in Scotland may, at their option, adopt it; if they do, they are authorised to levy rates on vessels entering or using the harbour, or on goods shipped or unshipped therein, and to expend the money on improving the harbour, and to borrow money for the purpose of improving the harbour; and by the 23d section they are authorised to "purchase and acquire "such lands contiguous to the harbour as may be required for the extension and "improvement thereof, and by themselves or their officers and servants, or others "employed by them, to extend, enlarge, and improve the harbour, to repair, "deepen, and cleanse the same, and to make and maintain additional piers, quays, "and docks, and all other works and buildings connected therewith, which may be "necessary for the reception and accommodation of ships and vessels resorting to "the harbour, and for the protection and storage of goods, and to make, widen, "and maintain all necessary roads and accesses to the harbour and works." If these docks, which were extended so rapidly from time to time, and the trade and commerce of the port increasing so rapidly, had not been met by due provision by opening accesses to and from the docks, no doubt the greatest inconvenience must have resulted to the trade and commerce of the port.

Allusion has been made before the Committee to other Improvement Bills which have been introduced into Parliament by the Corporation of Liverpool in the Sessions of 1854 and 1855. In 1854, the corporation introduced a Bill to effect improvements in certain streets, and to open a new street from the Town Hall to St. George's Hall; for this purpose they proposed to borrow the sum of 260,000 *l.*, under the provisions of a local Act, the 3d of Victoria, which is intituled, "An Act to enable the Council of the Borough of Liverpool to raise "Money upon Bonds." This Act enables the corporation, with the consent of the Treasury, to raise money upon bonds in the same way that under the Municipal Corporation Act any other corporation, with the consent of the Treasury, may raise money upon mortgage. The Improvement Bill of 1854 passed through Committee of the House of Commons, and several petitions were then presented to the House from Manchester, Birmingham, and other places, the object of which was to prevent the town dues from being charged as a security for the repayment of any money to be borrowed under the Act. Subsequently to the introduction of the Bill into Parliament, the council abandoned their intention of making the new street from the Town Hall to St. George's Hall, which was its principal object; and it being intimated that a sub-committee of the dock committee were then sitting, which had under its consideration a very large proposed extension of dock works, and which would involve a large expense in opening and widening the dock approaches, that Bill was withdrawn. That sub-committee of the dock committee sat for several months, and in July 1854 they presented a report to the dock committee, in which they recommended that additional works should be constructed at the north end of the town, and that more convenient communications should be made to and from portions of those intended docks; but they stated in their report, that inasmuch as the town was as deeply interested as the docks in forming those convenient communications, they recommended that application should be made to the town council upon the subject. This was done at a meeting of the council on the 4th of October 1854, when a letter was addressed to the mayor by the then chairman of the dock committee. This brought the subject under the consideration of the council, who passed this resolution: "Resolved, that this council, in accordance with the course which "has from time to time been adopted by the corporation of widening and improving "divers streets in the borough, for the purpose of affording facilities to the trade of "the port, by providing convenient approaches to and in the neighbourhood of the "docks,

" docks, recognises the principle embodied in the report of the sub-committee of " the dock committee on dock extension, so far as respects the improvements " proposed in that report to be effected by the corporation, by widening the line of " street communication from north to south, to the eastward of the dock property; " and that it be an instruction to the finance committee to confer with the dock " committee as to the best mode of obtaining the necessary Parliamentary powers " for effecting such improvements, and to take such preliminary steps as may be " necessary for complying with the Standing Orders of Parliament, reporting to " the council as to the cost and all other details involved." In consequence of that resolution a Bill was introduced in the Session of 1855 to carry out those improvements. The plan proposed by that Bill was to have made a very wide street in continuation of the street which I have before mentioned, by the New Wapping Docks, extending the whole length of the Liverpool docks nearly five miles, and being, I think, 75 or 80 feet in width. By that street a great advantage would have accrued to the working of all the trade, even at present, because, at this moment, the line of communication to the docks is found utterly inadequate to convey it. This Bill for effecting these improvements, which are entirely in the neighbourhood of the docks, was referred to that same committee; but, inasmuch as, during the progress of the Dock Bill, the corporation had become liable for the 1,143,000*l.* for the Birkenhead Docks, they withdrew that part of the Bill, and they thus have, in effect, postponed improvements absolutely required for the convenience of the trade in Liverpool in favour of completing the docks at Birkenhead. It seems to be supposed that the benefit of those streets in the immediate neighbourhood of the docks is confined to the inhabitants of Liverpool. I think that can hardly be said to be so by any gentleman who has seen the nature of the traffic along those docks. I shall be prepared to show the Committee a plan, from which they will see that all the improvements effected by the corporation, or nearly so, are in the business parts of the town, in connexion with the commerce of the place. Some gentleman stated before the Committee, that we had expended 150,000*l.* in widening Bold-street, which is a shop-street, as described. This is quite a mistake; the corporation have never made any improvement at all in Bold-street; it is quite a misapprehension.

In addition to the large sums expended in widening and improving streets which, as I have stated, have all been done under Acts of Parliament, the corporation have from time to time appropriated large sums to encourage and promote the trade and business of the port. In consideration of giving the land for dock purposes and expending 15,000*l.* in lengthening the Queen's Dock, the corporation received part of the site of the old dock, which had been originally given by them, and which it was at that time intended to appropriate as the site of a market, as appears by the Dock Act, which I have quoted. This intention to construct a market there was subsequently abandoned, and an arrangement was made with the Government that a large building, to be used as a custom-house, excise office, post-office and stamp-office, should be erected on that site, and the corporation gave the land, which was valued at 30,000*l.* and upwards, and they contributed towards the building a little over 79,000*l.*; the remainder of the cost of that building, 150,000*l.*, was contributed by the Government. The corporation undertook to construct it according to plans and specifications which were to be approved of by the officers appointed by the Treasury, and they agreed to keep it in repair for 10 years; the total charge on the corporation in respect of these buildings, therefore, including the value of the site, amounts to 110,000*l.*, for which they receive no income, and the building is now at the disposal of the Government for revenue purposes. The whole of it is so appropriated except the offices used for the purposes of the dock trustees, which were reserved in the original agreement with the Treasury.

The corporation have also from time to time made various grants for public objects, beneficial to the trade and commerce of the port. In 1840 they made a free grant of a piece of land valued at 8,500*l.* as the site of a Sailors Home; a building has been erected upon that site, and in connexion with it is the savings bank for seamen, and great good has resulted from its establishment. In 1844 they made a grant of a piece of land in Great Howard-street, which is near to the North Docks, on which to erect a hospital to receive patients from the numerous accidents constantly occurring to persons employed about the docks. The extension of the Liverpool Docks having deprived small coasting vessels of a convenient dock and basin for their trade, the corporation constructed a dock

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with quays, which is now called the River Craft Dock; and this dock, with the value of the land, was estimated to have cost 94,500*l.*; it produces an insignificant rental compared with that cost, not 2½ per cent. The object of that undertaking was to provide facility for that portion of the trade of which it had been deprived, and which it formerly had, by the extension of the Liverpool Docks.

It was also considered that the establishment of an observatory, and the means of rating chronometers would be of great advantage to the port, and the corporation erected an observatory at a cost of 8,000*l.*; it is fitted up with admirable instruments, and we have there the services of Mr. Hartrup, who is a very distinguished observer. The building was erected on land of the dock trustees, and there was an agreement under which it was made which is ratified by one of the Liverpool Dock Acts. The Liverpool Dock Act, 4th Vict., s. 131, recites: "That "whereas it would greatly conduce to the safety of vessels frequenting the said "port and harbour of Liverpool if an observatory were erected as hereinafter "mentioned, for the purpose of astronomical observations; and whereas the said "trustees and the mayor, aldermen, and burgesses of the borough have entered "into an agreement relative to the erection of an observatory with dwelling-"houses and buildings attached thereto, on certain land of the said trustees "on the following terms (namely), that the same observatory and other erec-"tions shall be built at the expense of the mayor, aldermen, and burgesses; "and that the said trustees shall permit the site thereof to be henceforth used "and occupied therewith, unless the same land shall be hereafter required by "the said trustees for the purposes connected with the docks and harbour of Liver-"pool; and that in such event the mayor, aldermen, and burgesses shall, on notice "to such effect in writing, signed by the chairman of the dock committee, and "delivered to the town clerk, remove the said observatory and buildings, and retain "the materials thereof for their own use and benefit, and that thereupon the said "trustees shall pay to the mayor, aldermen, and burgesses the cost of the said "erections, not exceeding the sum of 1,000*l.*: and whereas it is expedient that "the before-mentioned agreement shall be confirmed by the authority of Par-"liament: be it therefore enacted, that the said agreement shall be, and the same "is hereby confirmed, and the said trustees shall be, and they are hereby autho-"rised and empowered, to pay to the mayor, aldermen, and burgesses the cost of "the said erections, not exceeding the sum of 1,000*l.*, in case the site thereof and "the land used therewith shall hereafter be required by the said trustees for the "purposes aforesaid; and that in the meantime the said observatory, dwelling-"house, and buildings shall be held by the mayor, aldermen, and burgesses, subject "to the conditions hereinbefore mentioned," so that the corporation are to maintain the building until the site, if at all, is wanted for dock purposes, and it is then to be removed. The dock trustees are to pay for the removal not above 1,000*l.*, that being, I suppose, not above the cost of the construction of the fabric itself. This observatory is situated near the North Docks, and is a very great advantage to vessels going to sea, who can check their chronometers, as the falling ball can be seen by vessels going down the river. A small charge is made for rating chronometers, but the annual payments exceed the income by about 400*l.* on the average.

A great many years ago a magazine for the storage of ships' powder, which they are required to land before entering the docks, was situated on land near the then outskirts of the town of Liverpool. This situation was found extremely inconvenient from the distance which the powder had to be conveyed to and from the ships, and from the risk of conveying it through the town; the corporation, therefore, purchased a piece of land at Liscard, on the Cheshire side of the Mersey, and constructed magazines there; upon these the corporation expended, exclusive of the land, 9,826*l.* They let the building on leases for long terms to different lessees engaged in the trade; from those lessees the corporation received 7,410*l.*, leaving an excess of expenditure of 2,416*l.* in actual figures; the magazine was used not only for ships' powder, but as a store for powder for trading purposes. Owing to the increase of the population in the neighbourhood of the magazine and the number of steamers frequenting the river, the storage of so large a quantity of powder at that place was considered dangerous; and in the year 1851 several persons made representations to the Home Secretary upon this subject, and an inquiry was made by a Commission, directed by the Government, who reported that in their opinion that site was not a suitable one, in consequence of the increase of population, and that it was dangerous to the inhabitants in the neighbourhood,

neighbourhood, and to the docks and works on the opposite side of the river—the Liverpool side. The Government accordingly introduced a Bill in 1851 to repeal the exemption, which was contained in the old Act, as to the storage of gunpowder in favour of this particular magazine; that Act was passed, but the corporation were required by that Act to compensate the lessees in respect of their interest, and this they did at the cost of 9,780*l.* In consideration of this compensation the land and site of this magazine is vested in the corporation, but it affords no equivalent for such an amount as that.

For several years the corporation have maintained a landing-stage with movable piers, so as to render it available for steamers to land and embark passengers at all states of the tide; this stage is a distinct stage from the very large one which is now there, and which was constructed by the trustees of the docks, and is used by steamers plying to the different ferries, and by the tenders to large American steamers; the use of the stage of the Liverpool Dock Trustees is confined to those purposes only; the use of the stage now, and for several years maintained by the corporation, is confined to steamers plying beyond the port, and occasionally to ferry-boats carrying luggage only. The annual cost of maintaining this stage of the corporation is about 920 *l.*, and the original cost of constructing it with its expensive machinery was 35,157 *l.* In the years 1850 and 1851, the agents for several of the steam-packet companies trading to Liverpool, the Irish and Scotch boats, represented that from the increase in the number of vessels, that stage which has been in use for several years was utterly inadequate to the wants of that trade, and they suggested the construction of a large and improved stage. The utility of the stage constructed by the dock trustees had then been tested, and it was found to give immense advantage for the landing and embarking of passengers at all times of the tide. The corporation took the subject into consideration, and at last they consulted Sir W. Cubitt, under whose directions the stage of the dock trustees had been erected, and he recommended them to construct a stage 1,000 feet long and 80 feet wide, which should be available for vessels coming from the channels, from Ireland and Scotland, at all times of the tide, day and night; he estimated the cost of this stage, with the approaches, bridges and other matters, at 130,000 *l.*, and the corporation accordingly applied to the Lords of the Treasury under the Local Act, which I have before mentioned, authorizing them to borrow the money upon bonds for permission to borrow that sum, and this was acceded to, and the corporation have entered into a contract for the construction of the stage, and it will be completed in the course of next year; it is intended that this stage shall be placed in front of the Prince's Parade, and that the corporation shall provide proper attendants, which is estimated at 2,000 *l.* per annum, exclusive of the interest of the money borrowed; and under the local Act which I have mentioned, if money be borrowed for a purpose which is unproductive, a sinking fund of 2 per cent., beyond the interest payable, must be provided; as it is not intended to make any charge whatever for the use of this stage, the money borrowed will have to be subject to this provision for a sinking fund of $2\frac{1}{2}$ per cent.; when this landing-stage is completed steamers will be able to come alongside at all times of the tide, by day or by night.

The corporation have also, several years ago, constructed and have maintained a building and machinery for the purpose of testing cables, and upon this they have expended 5,000 *l.* and odd; they make a small charge for the use of it, but the expenses always, or nearly so, exceed the income; we purposely avoid putting high charges; our object is to have the chains tested in a proper manner, and that persons may have the security of purchasing chains which have been tested at a public establishment.

Another object upon which the corporation have expended a considerable sum of money was the erection of a lighthouse at the Rock; it was represented to them in 1825 that the erection of a lighthouse at the Rock would be a great advantage to the trade and commerce of the port, and this recommendation was signed by pilots, merchants, and others; they did accordingly construct a lighthouse there at the cost of 30,457 *l.*; the lights in this house are supplied by the dock trustees, who receive the dues in respect of it; the corporation found only the fabric.

The Wallasey embankment has been referred to by some of the witnesses; I should state that that is a bank which is erected under the authority of an Act of Parliament passed in the tenth year of the reign of King George the 4th,

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1829, and that Act recites; that for some time past the sea has made great encroachments upon the Leasowes, which encroachments have within a late period very rapidly increased, and unless effectual measures were taken to prevent the same, serious injury may be apprehended to the proprietors of lands, and there is reason to apprehend that serious injury may also arise to the Port of Liverpool by the diversion of the tidal waters, and the consequent accumulation of silt, and the formation of sandbanks in various parts of the River Mersey. The Act also recites, that surveys and reports of civil engineers had been made, as to the necessity of an embankment, and that a considerable sum of money will be required for making and constructing the said embankment; the site of this embankment I have explained, is between the Rock Lighthouse at the mouth of the River Mersey and Hoylake; the object is to prevent the wash of the sea over some low lands there. By the Act, Commissioners were appointed, three by the council of the borough of Liverpool, the lord of the manor of Bidston as one, and three are elected by the landowners. Those Commissioners are authorized to construct and maintain an embankment, and to purchase land for that purpose; the expenses of the Act, or incurred in erecting the embankment, are to be paid by the proprietors of the land and the corporation of Liverpool in equal moieties, and the Commissioners levy rates upon the landowners, so as to produce their moiety, and upon the Corporation of Liverpool, so as to produce theirs. The amount which the corporation has paid up to the present time in respect of this embankment is 30,359 *l.*, and the present annual charge upon the corporation amounts to 1,665 *l.*; that is the moiety which they pay, and the other equal moiety is produced by rates upon the landowners.

Upon referring to old accounts of the corporation, I find that for many years they expended very large sums of money in legal and other proceedings, with the object of preventing encroachments upon the river, whereby the tidal water might be abstracted and the scour of the seaward channels diminished. In this course they acted under the advice of the most eminent engineers of the day, who were frequently consulted by them, and who advised that it was of the greatest importance to prevent those encroachments and consequent abstraction of water, especially in the upper part of the estuary above Liverpool. Notwithstanding the efforts of the corporation, large tracts of land, which used to be covered at high tides, have been many years ago embanked and abstracted from the river.

In 1842, the corporation promoted a Bill, the object of which was to vest the conservancy of the river in an independent body, and it was vested by that Act, which is the 5th and 6th of Vict., c. 110, in the First Lord of the Admiralty, in the Chancellor of the duchy of Lancaster, and the Chief Commissioner of Woods and Forests, and they are vested with the same jurisdiction for the maintenance of the navigation and removal of nuisances as were then possessed by the Crown or the Admiralty. The Commissioners are to appoint an acting conservator, who is to survey and inspect the river at least once in every year, and report upon the state of the navigation, specifying all the impediments, encroachments, and nuisances which he may find, and from whence they proceed. A conservancy fund of 600 *l.* per annum is created, whereof 400 *l.* is contributed by the corporation, out of the borough fund, and 200 *l.* by the dock trustees, out of their funds. The corporation and the dock trustees are also to indemnify the commissioners and the acting conservator, and the other persons employed by them, from any costs or expenses to which they may be put by reason of any action or proceeding against them; thus, if under the 2d section, the commissioners institute proceedings in respect of any nuisance in the river, they would be indemnified by the corporation and the dock trustees from the cost of those proceedings. The first acting conservator appointed was Captain Fitzroy, who only held office one year, I think, when he was succeeded by Captain Evans, the present acting conservator, whose annual reports are made to the Lords Conservators, and I believe laid before Parliament. It is not to be supposed that because he is only to inspect the river once a year at least, that he does not, therefore, inspect it more frequently; he is very often down there making his inquiries, and he has persons constantly engaged upon the river to make reports of any occurrence which may happen.

A few years ago Captain Denham, then marine surveyor of the Port of Liverpool, recommended that dredging should be resorted to as an experiment for the purpose of reducing the bar of the Victoria Channel, which was then the principal entrance into the port, and the corporation volunteered to contribute half the expense of this work; their proportion was 2,282 *l.* I have read to the Committee

mittee some extracts from the old records of the corporation, showing that in those times they appointed a water bailiff, and they have done so ever since that time; the present water bailiff is a master in the navy, who receives a salary, paid by the corporation, whose duty it is to be constantly examining and inspecting the river, and who makes monthly reports to the corporation; and in the event of any wreck or obstruction occurring, he is authorised and required immediately to remove it at the expense of the corporation.

Previously to the year 1835 the assizes for the county of Lancaster were held at Lancaster, which is 50 miles from Liverpool and Manchester, and a very considerable distance from the principal manufacturing towns; there were then no railways to Lancaster, and the greatest possible inconvenience was felt by suitors, jurymen, and witnesses, who were frequently detained at Lancaster 10 days or a fortnight, occasioning very large expenses to the county in criminal cases, and to parties in causes. Strenuous efforts were for several years made to have the business of the county divided, and the assizes for the southern division held at Liverpool, but this was not accomplished until 1835. The Corporation of Liverpool then undertook, that if the assizes were removed there, they would allow the use of their sessions house as courts, and provide suitable accommodation for the judges at their expense. They stated their inability to do more than this, because at the time of their correspondence with the Home Office, which, I think, was in 1833, the title to the town dues was in dispute. On the removal of the assize business to Liverpool, it greatly increased, and the sessions house, which was the only available building, was found wholly insufficient to provide proper accommodation for the judges and the bar, and those having business in the courts. The corporation therefore determined to erect a more suitable building, and they were authorised to do this by the Improvement Act of the 1st of Victoria, which I have before referred to.

About the same time a hall for musical festivals and other public purposes was required, and a number of the inhabitants took shares, and became members of an association to erect it. The corporation and those subscribers both advertised for plans, and in both cases the late Mr. Lonsdale Elmes was the successful competitor. The same Act of 1st Victoria authorised the corporation to make a grant of land for this hall, in consequence of which they required conditions and facilities for the public in the building; a trust deed was to be prepared, and various special provisions inserted, and it was found that this would lead to great inconvenience, and ultimately the corporation undertook the construction of the whole building for both purposes, and the present building, now called St. George's Hall, was erected. This building was used for local public purposes, but in it are also provided accommodation for the assize business of the southern division of the county, comprising all the principal manufacturing districts. The courts and the judges' house at Lancaster were provided at a large expense by means of a rate upon the whole county, but the courts and judges' lodgings at Liverpool are provided by the corporation at their cost, and in relief of the county rate. The corporation also provide a court for the resident registrar of the Vice-Chancellor of the county palatine of Lancaster.

Whilst the corporation were constructing the earlier docks, they seem not to have been unmindful of the importance of securing ready access between the port and the manufacturing districts; and it appears from their records that they assisted in the formation of, and they contributed what were to them at that time considerable sums of money towards the forming and obtaining Acts for the improvement of the Sankey Canal, the River Weaver, the Leeds and Liverpool Canal, and the Grand Trunk Canal; and those are now the great water communications between Liverpool and several of the manufacturing and mining districts.

With regard to the receipt of the town dues, it appears to be supposed that there is a large sum, beyond what appears in the accounts of the corporation, paid in some way to the freemen. This is not a correct mode of stating the practice. There is no payment made to the freemen; the freeman himself makes no payment to the corporation. If a freeman wishes to pass an entry of goods with the receiver, he fills up a certificate, and signs it, that they are his own goods, or that he is personally himself interested in some share in them; and upon that certificate being signed by the freeman, or his known managing clerk, no duty is paid in respect of town dues. The freeman's privilege exempts only goods actually imported or exported on the freeman's own account. If he acts

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as agent for receiving or forwarding the goods of a non-freeman, the town dues are payable on those goods; and there are amongst the records of the corporation several instances in which a freeman has been disfranchised for "colouring," as it is termed, the goods of a foreigner as his own goods.

The rights of freedom at Liverpool could be only acquired by birth or servitude. By birth, as the son of a freeman born within the ancient limits of the borough; and by servitude, by an apprenticeship of seven years to a freeman resident and carrying on his business within the borough; the wives, widows, or daughters of freemen at Liverpool acquired no privilege. The mayor, on retiring from office in each year, had the privilege of nominating a freeman, and honorary freedom was conferred by votes of the council. In old times the freedom was purchased; but this, as well as freedom by gift, is now restrained by the 3d section of the Municipal Corporations Act; so that at present freedom in Liverpool can only be acquired by birth or servitude; and as to all freemen who are not born, or serving their apprenticeships, or admitted free on the 5th of June 1835, they have no exemption from town dues.

With reference to the exemption of freemen, I would observe, that that subject was very fully discussed in Parliament when the Municipal Reform Bill was in progress; and I find that it was the intention of the leading statesmen on both sides of the question, who took part in those discussions, that the exemption of those who were then entitled, or who had inchoate rights, should be preserved; I find that Lord John Russell expressed himself in these words: "We propose to "abolish likewise all exclusive rights of trading, with a due regard, as I have "already said, to the pecuniary rights of persons now living; for instance, I "mention the case of two persons in the city of Exeter, one of whom not belonging to the corporation, pays 100*l.* every year for certain tolls to which he is "liable, while the other who lives next to him has no toll of that kind to pay, "because he belongs to the corporation; as far as the pecuniary advantage of the "latter person is concerned, he will continue to enjoy it during his life; but we "propose that nothing in future shall exist in the nature of these exclusive rights "and exemptions, which are undoubtedly inconsistent with the good government of "these towns." Lord John Russell also said, "He would merely state that the "wish of the Government was, to preserve all existing pecuniary rights; that was "the principle of the 10th clause; but if it could be shown that that principle "ought to be extended beyond the provisions of that clause, he should be "ready to yield to conviction, and should think that, instead of injuring, he "was rather improving that part of the Bill." In another part of the debate he said, "All persons now entitled to any corporate rights would continue to "enjoy them; but that as soon as the interest of those persons ceased, their proportion would go to the general fund of the borough." I find Sir Robert Peel stated, "He would respect the inchoate rights of those who were now married, "those who were now bound, and those who were now born, which would be "respecting the rights of the existing generation at the expense only of a little "delay. That seemed to him to be an intelligible principle on which to place "the question, and to which he would strongly advise the noble Lord to accede; "otherwise the noble Lord would be placed in a situation of great difficulty with "respect to the claims by birth and by servitude. If this principle should be "adopted, after a certain period, the whole of the corporate property would "become the property of the commonalty."

I have endeavoured to prepare for the Committee as accurate a statement as I can, of the number of freemen who now exercise this privilege. By the 5th section of the Municipal Act, the town-clerk of every borough is required by the 31st of December 1835 to make out a list of the then freemen, and this list is to be called the "Freemen's Roll," and to that are to be added the names of any persons subsequently entitled to be admitted. But that list contains the names of those who are since dead, for there is no authority by Act of Parliament to remove from it the names of persons as we receive evidence of their death. I apprehend, therefore, that that list would not give authentically the number of the existing freemen, but we are also required to make out every year a list of freemen who are entitled to vote at the election of Members of Parliament; that includes the names of all persons resident within the borough or within seven miles thereof, and I think that would give, as far as I can ascertain, the most accurate account of the number of freemen which I could obtain. Now I find that from the revised list of the years 1842–43, (that is the list which would be in force

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at the election between November 1842 and 1843), there were 4,049 freemen entitled to vote; this was seven years after the Municipal Corporations Act, and therefore all persons who were entered upon that list would have been entitled to exemption for their goods if they had been exporters or importers; but a very small proportion of that number are the class of persons acting as merchants, and therefore claiming this exemption. On the register of voters for the year 1855–56, that is the present year, 14 years after the above date, the number of freemen is 2,248, and of this number 80 have been admitted since 1842, and having been apprenticed or born subsequently to the 5th of June 1835, they are not exempt from town dues. The number of registered freemen in this year 1856 is 2,168, of which a very small proportion are merchants, and this shows a decrease, in 14 years, of 1,881. The highest number of persons who claimed exemption as freemen in any of the last six years, is 282: the number of freemen of London who claim exemption from Liverpool town dues is 17; that is, we have a list of 17, who say they are entitled to the exemption, and who have proved that they are freemen of London. Of those, six only have availed themselves of the privilege. The number of freemen of Bristol who claim exemption is 17, and of these 12 availed themselves of the privilege. The number of Waterford freemen who claim exemption is 22, of whom 21 avail themselves of the privilege. The number of Wexford freemen who claim exemption is 18, and of those 17 avail themselves of the privilege. I shall have one or two other points to bring before the Committee.

3927. Mr. *Hardy.*] What was the amount of town dues in 1855; it was stated as 125,000*l.*?—The actual amount received by the corporation for town dues in the year 1855 was 109,633*l.*, and the anchorage 1,038*l.*

3928. *Chairman.*] Have you the amount for any other year?—We have it for every year; they are stated in the published accounts of the corporation every year.

3929. What was it in 1854?—£.125,574. 9. 3.

Jovis, 19° *die Junii*, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Mr. Duncan.
Mr. Watson.	Mr. Vance.
Sir John Duckworth.	Mr. Hardy.
Mr. Beamish.	Mr. Milner Gibson.
Mr. Headlam.	Mr. Fenwick.
Lord Hotham.	Mr. Moffatt.

THE RIGHT HON. ROBERT LOWE IN THE CHAIR.

William Shuttleworth, Esq., called in; and further Examined.

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3930. *Chairman.*] YOU have some additions to make to your evidence, I believe?—As part of my evidence the other day, I read an extract from the records of the corporation, in the year 1671, which appears at the bottom of page 287 of the proceedings of the municipal inquiry at Liverpool, which sets out the boundaries of Liverpool by land, and the boundaries on the water. That entry was produced before the Commissioners at the municipal inquiry by Mr. Lowe, the solicitor for the defendants in the action which the corporation brought in 1833; and, reading it before the Commissioners, he says: "This "seems to have been made for the purpose of originating some right; the date "is before the lease from the Molyneux family, which was in 1672." I wish to remind the Committee, that by Mr. Stanistreet's evidence, though the lease for 1,000 years was dated in 1672, there was an agreement executed the year before for that lease; and that the corporation were in possession in the year 1671.

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Therefore, it appears the more natural conclusion to suppose, that, having taken a lease of this property for that long period of time, they placed upon record what they considered to be their boundaries by sea and by land.

3931. Mr. *Watson.*] What are they?—The boundaries are set out: "The peram-"bulacon is from the water-street end to Beeton Guttar, on the n—— of "Liverpool, thence to the Grove, and the meyre stone in Mr. Moore's mead—— "thence to Kirkdall-lane, to the meyre stone there, overagainst the beakon "th—— to a meyre stone in Syres Ditch, adjoining to the B breck thence "through——— thence through sevrall closses to a meyre stone up Everton "Cawsey——thence through severall fields to Liverpole Comon; and soe after "the Comon side to the meyr stone at Johnson's Field end, on the east side of "the towne; and soe up the Guttar or to the Mosslake, to a place "called Hollin Hedge; and thence straight to the Park wall, and all along the "Parke Wall, and through two crofts to Booth's Mill, and soe to the sea side, "and all along the sea side over the Poole, and thence along the sea side to "Water-street end. Our liberty at sea to arrest within the flood mark is on "both sides the River of Mersey, as farupward as the same fflowes, with custome "or toll on either side of the river, with other usual priviledges of the river." The Right Honourable gentleman in the Chair asked me whether I was going to produce an entry which appears in the year 1658, and is entered in this book. It would appear from this book as if this were an entry made by the corporation themselves. But upon referring to the original report I find that it is a copy of a part of an entry signed by Mr. Sandford, Surveyor-general of Customs, and not the act of the corporation itself. The whole proceeding is entered in this way: it appears there was a dispute between the officers of revenue in the ports of Liverpool and Chester as to their respective boundaries, and this dispute was examined into by Mr. Sandford, who appears to have been the Surveyor-general of Customs, and the entry is in this way: "Liverpool, October 29th, 1658.— "Port Customs. Be it remembered, that upon a contest and difference arising "betwixt Major Henry Ogle and Mr. H. Brett, Mr. Michael Tarleton, and Mr. "Harwar, the officers for collecting of Customs at the several ports of Chester and "Liverpool, concerning the taking of such duties and customs as might arise "for merchants' goods imported or landed on this side of the place called the Red-"stones, in Worrall, which is all within the limits and precincts of the said Port of "Liverpool; it was debated, referred, and ordered as follows: viz., that Major Ogle "did affirm that the Redstones is the place which makes a division betwixt this port "and Chester, and that from thence all along the sea side and up to Sankey Bridges, "so far as the tide flows, all customs and duties are payable, and ought to be received "by the officers of Liverpool on both sides of the River of Mersey. Mr. Brett alleged "that he knows not how far the liberties reach, but that Liverpool had been a "member of Chester, and that it is to the advantage of the state that the officers "of Hilbree should receive there, being more near unto them. Major Ogle replied, "that it is to the disadvantage of the state if it should be so, and that the service "will be done for a less charge by them of Liverpool, it being but six miles "distant from Liverpool, and 16 miles from Chester. So that upon the whole "matter it was concluded and resolved by the said officers, that all goods and "merchandizes landing within the same places and above, shall be entered, and pay "custom at Liverpool; and Mr. Dornett is required to give notice, and stay or "seize all goods so landed to be entered in the Custom-house at Liverpool, and "that Owner Wright, who hath herein miscarried, be no more employed by them of "Chester, but that William Harrimon shall be employed as deputy for both officers, "and shall be paid by Major Ogle for his service to Liverpool side, and by Mr. "Brett for Chester side, and the payments to be certified from each to other, that "so he may not receive his wages double. (signed) *Samuel Sandford. Henry Ogle. "John Brett.*" Then follows an entry of his direction in the matter: "Whereas "a difference did arise betwixt the officers of the customs in Chester and Liverpool "as abovesaid, in that they of Chester did interrupt and hinder them of Liverpool, "of their ancient liberties on Cheshire side, but the whole matter being treated "of and referred by both of them, the 29th day of October 1658, to Mr. Samuel "Sandford, Surveyor-general for the Customs and Excise, he did declare and "conclude, that the liberties of Liverpool do reach the accustomed place on the "further side of the Redstones, and advised that the Corporation of Liverpool "should set a mere stone there to divide the said liberties, and that all goods there "landed shall pay customs to the officers of the Custom-house of Liverpool, and

" so consequently town duties. (signed) *Samuel Sandford.*" That is the full entry which appears upon the record book.

3932. *Chairman.*] Do you consider that the last part was determined by Mr. Sandford?—Yes, the whole of it. In 1660 there was another letter upon the same subject, addressed by the officers of the Customs-house in London, to the officers at Chester and Liverpool, and it is: " Limits of the port of Liverpool. " Order from the officers of Customs, London, 12th December 1660.—After our " hearty commendations. Having by a former letter taken notice of the differences " and disputes arisen betwixt some officers and other interested persons within the " Port of West Chester and the town of Liverpool, concerning the bounds and " limits of each port and place, and having declared our opinion and knowledge " that Liverpool, however it may be accustomed a member of West Chester, yet in " the execution of all custom affairs hath ever been distinct and absolute of itself, " and that the whole River of Mersey, and the shore on both sides, was and ought " to be under the care, privilege and inspection of the officers of his Majesty's " Customs at Liverpool; but finding our letters either misunderstood or not " regarded, and the same dispute and worse troubles prosecuted and fomented, as " well against the merchants as officers there, which is a very great prejudice to " his Majesty's service, we are again necessitated, for prevention of further incon- " venience, to order and desire that what ships' goods or merchandize soever shall " be exported or imported from or into the River Mersey on either side the shore, " beginning on Worrall side at a place called the Red Stones, and not further " southwards, be entered and accounted for at the Custom-house at Liverpool, and " to the officers there, without any your let or hindrance; and hereunto we do " expect your ready compliance with the quiet and welfare of his Majesty's service, " being very much concerned therein. And so we rest your very loving friends, " *Nicholas Crisp, John Shaw, John Harris, John Wolstenholme, John Jacob.*—To " the Customs' Collector, and all his Majesty's officers in the Port of West " Chester."

3933. *Chairman.*] Do you put in the commission of 1680, establishing the port?—No; I have not put it in.

3934. Do you intend to do so?—No, I think not.

3935. Mr. *Watson.*] In addition to the resolution of the town dues committee, which was, I think, in 1833, have you a report from the committee, presented to the council on the 2d of June 1834?—This is a report which was made by the town dues committee of the council, after the litigation, to the council, showing the final determination of that matter: " At a meeting of the town dues committee, the 2d " June 1834: Present, John Bourne, Esq., chairman; Sir George Drinkwater, " Sir Thomas Brancker, Mr. Horsfall: Resolved, that the following report be sub- " mitted to the next council, viz.: The report. The town dues committee have the " satisfaction to report to the council that during the last month several commu- " nications have been made to them of the desire of the merchants resisting the " payment of town dues to terminate the protracted litigation respecting them. " With regard to the state of the proceedings at law, your committee have to report " that the bill of exceptions tendered to the summing up of the Lord Chief Justice " upon the trial of the action against Messrs. Bolton, Ogden & Co., and as framed " by their counsel, had been under the consideration of the counsel of the corpo- " ration who had settled the same, and it had been delivered to Messrs. Bolton & " Co.'s attornies, for the approval of their counsel, preparatory to the same being " sealed, and immediately brought before the Court of Error for argument and " determination. This determination your committee looked for in the course of " the present Trinity Term. On the 20th ultimo, however, a letter was received by " the worshipful the mayor, and by him handed to the chairman of your committee, " from Wm. Brown, Esq., inclosing the copy of one to him from Joseph Hornby, " Esq., the chairman of the committee of merchants refusing to pay the town dues, " in which Mr. Hornby stated that the committee of merchants, not disposed to " throw any unnecessary obstacles in the way of a settlement, consent to a " verdict against Messrs. Bolton & Co. being recorded, each party to pay their " own costs, Mr. Hornby further stating in his letter that in so doing, the " committee of merchants declared that it was solely from a conviction that " Legislature had in preparation a measure which would place freemen and non- " freemen on an equal footing in future, and also in reliance that the corporation " would act up to the spirit of their resolution of the council, of the 4th of De-

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" cember last, arising from the evidence given before the Municipal Commissioners. " On the receipt of this communication, your committee took the same into their " earliest and best consideration ; and observing that it contained the fullest ad- " mission of the right of the corporation to the town dues, and anxious to avoid " what appears to your committee, an unnecessary expenditure in defending the " writ of error, your committee, at their meeting on the 21st ultimo, determined " on the following resolution : ' That it be recommended to the council to accede to " ' this proposition, and that the concluding part of Mr. Hornby's letter shall have " ' the early consideration of the committee.' In coming to this resolution, your " committee were impressed with the firm conviction that the object of the corpora- " tion was to establish the legality of the town dues ; and having themselves acted " throughout the proceedings in the belief that the question at issue was of this public " character alone, your committee do not hesitate again by this report to recom- " mend to the council, having succeeded in establishing their right, not to press for " the payment of the taxed costs in the cause. Presuming that this determination " will be agreeable to the council, your committee beg to add (when the same shall " be confirmed by your ratification), that they will immediately direct the town clerk " to have the necessary proceedings adopted to record the verdict against Messrs. " Bolton, Ogden & Co., given in February 1833. Your committee beg to con- " gratulate the council upon the successful termination of this long-protracted cause; " and although the defence of this right of the corporation has been attended " with great expense, your committee, adverting to all that has passed, are gratified " in having now to report that the title of the corporation to the town dues is ' established upon the firmest legal basis."

3936. Have you any further explanation to give respecting the transactions of the corporation and the dock trust on the purchase and sale of lands?—I may state to the Committee that, in every instance where land was to be purchased by the dock trust from the corporation, the Act provided that the value should be estimated by the verdict of a jury, and that so continued until the passing of the Municipal Corporations Act, or rather in the Dock Acts, subsequently to the passing of the Municipal Corporations Act. By those subsequent Acts the corporation were authorised to sell to the dock trustees by agreement, provided the approbation of the Lords of the Treasury is obtained; and in every instance in which a sale has been effected, the price has been approved by the Lords of the Treasury.

3937. In respect to the veto of the Liverpool dock trust, have you a copy of each of the resolutions upon every occasion upon which it has been exercised since 1825?—Yes; I mentioned the purport of these resolutions to the Committee the other day. This is the resolution of the Common Council on Wednesday, the 5th of April 1826.—(*The same was read.* No. 67.)

Vide Appendix.

3938. Are there other resolutions to the like effect?—Yes: that is a resolution referring to the point which was made in the former part of the evidence, that the corporation had improperly interfered to prevent counsel being instructed as to the mode of purchasing some property.

3939. *Chairman.*] Can you answer the question now as to the latter part of the resolution that was vetoed?—I have referred to the Dock Act, and I cannot find anything to which that resolution refers, unless it be the recital in the preamble of the Act. It recites among other things: " For which said site for " the said two intended docks the said Corporation of Liverpool are to be paid out " of the said dock rates or duties, at and after the same proportion as the said cor- " poration have already paid, or shall hereafter pay, for any part or parts of such " site, and for such part and parts of the said site as always belonged and now " belong to the said corporation, at and after the like proportion as for those which " they have so as aforesaid purchased or shall hereafter purchase for the use of the " said docks."

3940. That is the clause that says they should pay at the same rate?—That the trust are to pay the corporation the same rate at which they had purchased.

3941. The corporation forbad them to call attention to that clause?—Yes.

3942. Can you say why?—No.

3943. Nothing that you have access to will tell us why?—I see no further explanation than this; it appears that the dock committee were contending, under the provisions of that Act of Parliament, that the land or some part of it vested in the corporation without payment; but that was admitted to be a mistake.

3944. What

3944. What possible objection could there be to the dock trustees calling the attention of the jury to the recitals of that Act?—I cannot see that there could be the slightest objection, nor could any proceedings annulling the proceedings have been put in before the jury; it is positively stated in the Act itself.

3945. Mr. *Watson.*] Is there anything material which you wish to state with respect to those resolutions?—The next veto was on the 7th of June 1826; there are 13 of them; in my former evidence I mixed two together, and omitted one.—[*Thirteen Resolutions were delivered in.* Nos. 68 to 80 inclusive.] *Vide* Appendix.

3946. *Chairman.*] What is the one omitted?—The one passed in 1850; I forgot to mention it; the purport of that resolution was, that the dock committee recommended the appropriation of certain lands at the north of the town near the Huskisson Dock, for a ship-building yard. At that time the corporation had a committee sitting with reference to the best mode of providing accommodation for ship-building yards, and they had just before printed a report containing their recommendations, and upon referring to the proceedings of the council at that time, I find that it was unanimously resolved to annul those proceedings, because, under the Dock Acts, if they are not annulled they become confirmed. The object was to give all parties an opportunity of considering that report, before the subject was finally disposed of; and it was done unanimously.

3947. Mr. *Watson.*] In addition to the earlier docks constructed under the Dock Acts, were there any graving-docks for affording facilities for repairing ships made in Liverpool?—Yes, the corporation themselves constructed graving-docks, and they remained part of the separate corporate estate for many years, but were ultimately sold to the dock estate.

3948. Were those the first graving-docks that were constructed in the western ports, do you know?—I believe they were; it is stated in an old paper which was circulated with reference to one of the Dock Bills before Parliament, the 1st George the 1st, I think, that there was at that time no place for the graving of ships nearer than Plymouth.

3949. I suppose that the great increase of the trade of Liverpool, and the facilities given by the docks, has been the cause of the great increase of the tolls in Liverpool?—No doubt.

3950. There have been several complaints made by witnesses respecting the pressure of the town dues, particularly with respect to coals, salt, iron, and other articles of that description; have you any observation to make upon that?—Previously to the passing of the Municipal Corporations Act it was the practice of the corporation, on representation that the town dues on different articles were considered high, to accept less sums in respect of such articles as compositions for the amounts actually due, that being the only mode in which, as they were advised, they could effect that object; and they did so in the year 1825, and again subsequently, there being in 1825 no dispute as to the title of the corporation; at that time there were no legal proceedings in progress in any way.

3951. For how many years were the compositions made?—The compositions were made in 1825 for five years, and in 1829 those compositions were continued for a further period of five years from the 5th of January 1830.

3952. Was there any resolution of the council made upon those compositions?—Yes.

3953. Have you the resolution here?—Yes. (*The same was read.* No. 81.) *Vide* Appendix.

3954. Have you another resolution?—The next was the resolution of 1834, which is drawn in a similar form, and relates to duties on white salt and on rock salt, on white salt sent coastwise, on rock salt sent coastwise, barley, malt, oats, and other grain, except wheat; all dry hides, kips and calf skins, tar and turpentine, muujeet, mother-of-pearl, orchella weed, grapes, and other articles; those compositions were from the year 1834, for three years. (*The same was delivered in.* No. 82.) *Vide* Appendix.

3955. The Municipal Corporation Act passed in 1835, did it not?—Yes.

3956. Will you refer to the 92d section, and read that passage respecting the reduction of duties?—"Provided that it shall not be lawful for the council to be "elected under the provisions of this Act in any borough in which the body cor- "porate named in conjunction with the said borough in the said Schedules (A.) "and (B.) before the time of the passing of this Act, shall have contracted any "lawful

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"lawful debt chargeable on any tolls or dues belonging or payable to the said body "corporate, or to any member or officer thereof in his corporate capacity, or "towards the satisfaction whereof such tolls or dues or any part thereof were "applicable before the passing of this Act, to alter or reduce the amount to be "levied or payable of such tolls or dues, or to grant for any consideration any "remission of or exemption from such tolls or dues, or any part thereof, unless with "the consent in writing under the hands of a majority in number and amount of the "creditors to whom such debt is due, until after such debt and all arrears of "interest due thereon shall have been fully paid and satisfied."

3957. You have never reduced those tolls since the passing of the Municipal Corporations Act?—No.

3958. What was the reason of that?—The operation of that clause. At the time of the passing of the Municipal Act the Corporation of Liverpool had a large debt, towards the payment of which the town dues were applicable; this debt was held principally upon bonds, almost entirely upon bonds; those bonds being in the hands of trustees, and being of varying amount from 20,000*l.* to 200*l.*, the holders of them living in all parts of the kingdom; and it was considered that any attempt to get the consent of so large a body of persons, many of them being trustees, could not be effected.

3959. Was there any report made upon that to the town council?—Yes; in 1838, when the compositions were about to expire, the question was considered as to what could be done as to further compositions. The corporation were advised, if the council made no order, the acts of the former council would be valid, and they might, as long as they chose, contentedly receive the smaller compositions.

3960. Have you a report to that effect?—Yes.

Vide Appendix.

3961. Just read it, if you please.—(*The same was read.* No. 83.)

3962. The smaller sums under the compositions have been the amounts received ever since?—Yes.

3963. Now, in those smaller dues, has there been a great increase since that period?—There has been a great increase in the aggregate amount of the dues, proportionate to the increase of the trade of the port.

3964. Have you any observation to make upon the evidence with reference to the trade of Runcorn?—It appears from our receipts that the town dues at Runcorn in 1836 were 1,172*l.*, in round numbers; in 1846, 2,474*l.*; in 1855, 3,182*l.* This is the separate receipt at Runcorn. I have also a return of the tonnage of ships at Runcorn for a great many years, which shows a great increase in the number of ships. This is a return made from the year 1819, that being the first year in which the corporation had a separate receiver of town dues at Runcorn, that being the same year when separate entries were allowed to be made at the minor ports. Up to that time all the entries for Runcorn were made at Liverpool. In 1819, the tonnage at Runcorn was 10,352 tons; in 1830, it was 37,045; in 1840, 93,058; in 1850, 153,214; and in 1855, 180,233. But I ought to state, that during those years there were fluctuations, as might be expected at any port, according to the fluctuations of the trade of the country. For instance, in 1855 the tonnage was 180,233; in 1854 it was 203,194; but in 1853 it was 189,775.—(*The same was delivered in.* No. 84.)

Vide Appendix.

3965. At one time all goods used to go through Runcorn to Manchester; now, is there a considerable traffic of goods landed at Liverpool that go to Manchester by railway?—Yes; until the railway system was developed, almost all the goods that came coastwise for Manchester and the manufacturing district went through Runcorn; but since then the Garston Railway has been opened, the Birkenhead, Lancashire and Cheshire Junction Railway, the Liverpool and Manchester Railway, and the Lancashire and Yorkshire Railway, all of which have termini on the Mersey, and are carrying large quantities of goods.

3966. Of goods imported into the Mersey?—Yes.

3967. Which would be chargeable to town dues?—Yes.

3968. Notwithstanding that, Runcorn does not seem to have decreased much?—It has increased considerably.

3969. Have you any observation to make respecting town dues levied at Manchester?—Yes; it was stated by Mr. Heron, that no town dues were levied at Manchester; that may be so at the present time, but upon looking into the accounts of that city for the year 1849–50, under the head of Custom House Department,

Department, I find that the amount received for town dues by that name, from June 1849 to June 1850, was 419 *l.* 3 *s.* 4 *d.*

3970. Was that under the Act for warehousing foreign goods for home consumption in Manchester?—I imagine that would be so.

3971. Was there an Act of Parliament to that effect?—Yes; the Act passed in the 7th and 8th of Victoria, chapter 31, receiving the Royal Assent on the 4th of July 1844.

3972. What is the preamble of that Act?—The Act recites that "Whereas "by an Act made and passed in the third and fourth years of the reign of his late "Majesty King William the Fourth, intituled, 'An Act for the warehousing of "'goods,' regulations are made for the warehousing of foreign goods without "payment of duty at the ports of the United Kingdom."

3973. That would involve a Custom-house establishment at Manchester?—Yes; section 4 provides that an account of the expenses incurred by the Customs under this Act is to be sent to the council of the borough of Manchester, who are to pay it. Section 7 enacts, "That for and in consideration of the charges "and expenses to which the council of the said borough will be put in carrying "into effect the provisions of this Act, it shall and may be lawful to and for the "council of the said borough, and they are hereby authorised and empowered, "from time to time, and at all times hereafter, to ask, demand, receive, recover, "take, levy, and raise, for and in respect of all such goods, merchandize, "and commodities whatsoever, as shall be lodged or warehoused under the "provisions of this Act, or which shall pay, or be liable to pay the Customs "duty thereon, at, in, or near the said borough of Manchester, although the same "shall not have been actually lodged or warehoused, or which shall come in "any way under the control or charge of the officers of Customs at Manchester, "such rate and duty, rates and duties, as the said council shall from time to time "fix and determine: provided always, that it shall be lawful for the collector "or other proper officer of the customs, under the authority of the Commissioners of Customs, and by their direction, to refuse to permit any goods "warehoused under this Act to be delivered from the warehouse, until a certificate "or other proof that the rates and duties payable to the borough in respect of "such goods have been paid or satisfied, shall have been produced to him." By another section the council are authorised to levy a warehouse rate, and the mode by which the money is to be applied is directed by the 32d section, the second part: "And with regard to all other monies to be received by or to "become subject to the control of the said council, under the authority of this Act, "including the net rents and profits of the lands so to be purchased, and any buildings for the time being, after all reasonable deductions and allowances for losses, "repairs, expense of insurance, and proper or reasonable outgoings, it shall be "lawful for the said council, and they are hereby authorised and required to apply "such monies as follows: First, towards the payment of the expense which may be "necessarily incurred from time to time in carring into effect the provisions of this "Act, and which are not hereinbefore provided for. Secondly, towards the payment from time to time of the interest of any money which shall be raised by way "of mortgage, according to the power hereby given, or of so much thereof as shall "remain unredeemed. Thirdly, towards the payment of the amount of any sum "of money which the said council shall from time to time pay to the Commissioners of Customs by virtue of this Act. And with regard to the monies to be "so borrowed, and as to all other monies so to be received, that if the said monies "shall be more than sufficient for the purposes aforesaid, then it shall be lawful for "the said council to apply the surplus thereof either in payment of the money "borrowed by the said council, under the provisions of this Act, or of so much "thereof as they shall from time to time deem it expedient to redeem, or in "improvements within the said borough or otherwise, as to the said council shall "seem fit, for the public benefit of the inhabitants thereof."

3974. I believe that the Customs' establishment there has been abandoned?—Yes, I believe it has.

3975. Are you aware whether the council of Manchester obtained a list of the town dues levied at Liverpool at that time?—They obtained a list of the town dues levied at Liverpool at that time, and applied that list, either with modifications or otherwise, I do not know how, to the purposes of that Act.

3976. *Chairman.*] From whom did they obtain that list?—They obtained it through the town dues office at Liverpool.

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3977. Mr. *Watson.*] Have you any reference to the marginal note upon that subject?—The marginal note to the 7th section, which authorises the council to levy dues, is, "Council empowered to charge on each package."

3978. Mr. *Milner Gibson.*] To what purposes were those dues applied?—The application of them is stated by the Act to be towards defraying the expenses; and if any surplus arises, it is to be expended at the discretion of the council in improvements or otherwise, for the public benefit of the inhabitants.

3979. Was not Manchester responsible for the expenses of the Queen's officers for collecting the customs?—Yes.

3980. Are you responsible in Liverpool for any such expenses?—No.

3981. You are paid for that by the public taxes?—Yes.

3982. Mr. *Watson.*] But the surplus would go to mend the streets and to other public matters?—If that system had answered and become profitable, the Act provides that the council, after defraying the expenses, may apply the surplus to repair the streets and otherwise, for the benefit of the inhabitants.

3983. Have you any observation to make upon the subject of market tolls levied by the Corporation of Manchester; you heard what Mr. Heron stated about it?—Mr. Heron's evidence is given in the print at Question 188. He said, "The tolls, when we purchased them, were not more than 9,000*l.* a year; they "now have increased to 15,000*l.*, and I hope they will increase a great deal more; "but still the toll paid for accommodation is exactly the same; no one pays except "for a full equivalent. They do not go into the market unless they choose, and "they do not pay unless they do go into the market." He added, "To compare "our market tolls with the town dues at Liverpool, they must be in this position: "we must station a collector at each entrance to the town to collect the toll, to be "applied in lieu of the borough rate; that would be the town due: and then we "must take another toll for the use of the market, which would be like the dock "due."

3984. Were there any other statements subsequently made by Mr. Heron by way of explanation?—Yes. He was asked afterwards whether the Sheffield and Lincolnshire Railway Company did not pay a sum by way of composition for all the articles which they might introduce at their station, and also the Lancashire and Yorkshire Railway. I understood Mr. Heron to say, that they received from the Sheffield and Lincolnshire Railway 150*l.* per annum, and from the Lancashire and Yorkshire Railway the larger sum, I think, of 500*l.* Those goods do not go into the market for sale.

3985. What difference is there in taking this money from the railway companies by the Manchester Corporation, and taking dues at Liverpool by the Liverpool Corporation?—It appears to me that the dues are strictly analogous.

3986. Are the Corporation of Manchester the owners of the manor, the markets, and tolls; it is a market and toll, is it not?—Yes.

3987. The Corporation of Liverpool are the owners of the ancient port, with the petty customs attached?—Yes.

3988. In Lord Denman's summing up, have you a reference to what he says of the Liverpool dues?—Yes.

3989. Just read it?—In summing up the evidence in the action against Bolton and others Lord Denman said: "Now it seems to me that the best mode "in which we can dispose of this important case is by my telling you what my "view of the law on this subject is, and putting to you the questions simply "on the facts. I am of opinion that this right may have had a legal origin. I am "of opinion that these tolls may be reasonable, although the corporation have "not done anything for the purpose of keeping up the port; because I take "the origin of the toll to be the dedication of a certain port to the public purposes "of trade, and not as necessitating on their part the doing any particular act from "time to time in order to keep that port navigable for the general convenience."

3990. Was that confirmed afterwards in the Exeter case?—I think so; I think the case I read appears to be precisely upon the same ground.

3991. Do you know what the allegation was as to the right of Manchester to the market toll?—It appears that when Sir Oswald Moseley was the possessor of them, his right to receive them was disputed with respect to fish sold out of the market. From the report of that case, it appears that King Henry the 3rd had granted the right to hold the market there, and that right was subsequently sold by the representative of the grantee to the citizens of London. From other sources I find that the amount paid was 3,000*l.* by the citizens, and the citizens

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of London sold those rights to an ancestor of Sir Oswald Moseley for 3,500*l.* With the increase of the trade and population of Manchester the value of those rights became greatly enhanced, and became a subject of jealousy; and several actions were tried at Lancaster at different times upon the subject of those tolls.

3992. He established his right?—He established his right to them.

3993. And ultimately sold them to the Corporation of Manchester?—He did. In the year 1808, I think it was, that negotiation took place (that was before Manchester was incorporated) between gentlemen deputed by the inhabitants and ratepayers of Manchester and Sir Oswald Moseley, for the sale of his rights, which he offered to sell for 90,000*l.* No bargain was made at that time; but subsequently, in 1845 or 1846, the corporation purchased them for 200,000*l.*

3994. They have been increasing since that time, have they not?—As I understand Mr. Heron's evidence, he says they were 9,000*l.* when they purchased them, and they are now 15,000*l.*, and increasing.

3995. Are you aware that in a great many boroughs throughout England, in pursuance of grants of the Crown, there have been grants of markets, and fairs, and tolls?—There are a great many.

3996. In nearly all the boroughs in England?—In almost all the old boroughs. There are 116 boroughs which have tolls or dues of some sort; of course I do not pretend to say under what particular circumstances.

3997. They are all derived from grants from the Crown, are not they?—Originally, unless they are tolls under Act of Parliament.

3998. Have you looked into what took place during the Municipal Corporation discussions before the passing of the Corporation Act?—Yes.

3999. Were there many discussions upon those rights?—The question of dealing with corporate property was fully discussed in Parliament at that time.

4000. Can you refer to one or two matters that took place in Parliament at that time?—I find upon referring to Hansard's account of the debates upon that Bill, that the subject was frequently under consideration, and I find that Lord John Russell said, "I think Parliament has a right to require, by laws to be now passed, "that the revenues of these corporations, excepting where they are applied under "particular bequests to special purposes, shall be henceforth devoted to public purposes, connected with public municipal interests."

4001. Did Sir Robert Peel make any observation?—Sir Robert Peel said, "But the better course is to look to the future; and I, as one of the Conservative "party, strongly advise all members of corporations readily and willingly to "concur in an amendment of the existing system, to relinquish the influence that "they may have derived from the control over corporate funds and charitable "trusts, but upon this express condition, that the reform be a sincere, *bonâ fide* "reform; that it be not a mere pretext for transferring power from one party in "the State to another; that the object aimed at shall be a good system of municipal government, taking security, as far as security upon such a subject can be "taken, that the really intelligent and respectable portion of the community of each "town be called to the administration of municipal affairs, and guarding against "the future application of the charitable or corporate funds to any other than "charitable or public purposes. I do not object to the principle that corporate "revenues shall be applied strictly to public municipal purposes." Sir Robert Peel said again, "Some express provision ought to be made as to the existing obligations of corporate bodies. Many of them have contracted debts "and engagements, in some cases, perhaps, improvidently; but still if those "debts and engagements were contracted under the authority of the law, the "creditors ought to have a full assurance that the nature of their security "shall not be affected by any change in the corporate authorities." I have extracted some others. Lord Stanley said, "It was a main principle of this "Bill to take from the self-elected corporations the control of the corporate "funds, and to vest them in the control of the inhabitants of the borough, with "whom, in his judgment, that control ought to rest." Then Sir Robert Peel said on another occasion: "The Bill makes no provision for the application of any "surplus there may be of corporate property. Now, there are many boroughs "which are extremely wealthy, and after providing for the public purposes named "in the Bill, it is clear that there may be in some instances a considerable surplus. "My Noble Friend, the Member for Liverpool states, that in that town there is one "of 35,000*l.* The Bill provides that the new corporate body shall have all the

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" powers which the existing body has; and, as those powers over the property of " the corporation are very considerable, there ought to be some provision con- " trolling the appropriation of any surplus that may remain, after providing for the " special objects named in the Bill. It ought to be known that in many boroughs " considerable expense is about to be incurred. The Bill provides, that after the " termination of existing interests there shall be no application of corporate property " to individual uses, but the existing individual interests are to be protected; and " thus, even in the cases wherein there are no corporate estates, some time will elapse " before there will be a fund sufficient to provide for municipal purposes. In these " cases the new governing body will have to levy a new rate, and that rate will be " the only source from which the municipal charges can be defrayed, in the case of " those towns which are not now incorporate."

4002. Do you find that the Attorney-general said anything?—The Attorney-general, now Lord Chief Justice Campbell, said, " That where the present corpora- " tions held as trustees, the new corporations would hold subject to the same trusts; " but that where the present corporations held subject to the best law they had " been able to devise among themselves, that property would be applicable to the " provisions of the Bill. Wherever it was property wholly in trustees in trust, " those trusts would be continued, but where there was no trust, the property would " become absolutely available to the Act." The Attorney-general added, further, " In many boroughs there were sufficient funds for all municipal purposes, " without its being necessary to levy a rate." Mr. Robinson said, " The House was " to understand, then, that the noble Lord's political morality consisted in this: that " a minister might state that he was willing to consent that certain rights should " be preserved in order to get a Bill through both Houses of Parliament, and then, " having obtained that object, he might, two years afterwards, come down to this " House and endeavour to throw those very rights overboard. He cared not to " what misrepresentations his conduct might subject him, but he never would be a " party to proceedings that were alike disingenuous and dishonourable." I do not know who Mr. Robinson was. Lord John Russell, again, said: " That all " persons now entitled to any corporate rights would continue to enjoy them; but " that as soon as the interests of those persons ceased, their proportion would go to " the general fund of the borough." Sir Robert Peel made a remark, which I quoted the other day, in respect to the rights of freemen. Lord Howick says, " The Right Honourable Baronet had stated, he thought most unanswerably, that " it was of the greatest possible importance that the property of the corporations " should, at as early a period as possible, be vested in the community at large, to " be employed for purposes in which the community at large were interested, " instead of being frittered away, as at present, in small donations to individuals in " a manner he knew, practically, in 99 cases out of 100, conducive neither to " their own interest, the public interest, nor the interest of the individuals them- " selves." In another debate which arose upon the question of exemption from tolls and exemption from rights of common, he said, " Now, in his opinion, they " were precisely similar; both were originally granted by the charter for the " common benefit of the whole population of the town; in course of time, how- " ever, these privileges which had been conferred upon the town for the benefit " of all, became confined to a certain privileged class of the inhabitants."

4003. Have you an extract from what Sir Robert Inglis said?—" Sir Robert " Inglis heard with great surprise the arguments just advanced by the Noble Lord. " This was certainly the first time that he (Sir Robert Inglis) had heard the " application of property used as an argument against the possession of it."

4004. Was anything said upon that?—There are some remarks by Sir Robert Peel from Hansard, in which he alludes to the different position in which boroughs would probably be placed under the Municipal Act: " It has been said, " too, that this would bear unequally on different towns. In Manchester, for in- " stance, where there were no corporate funds, there would have to be a borough " rate; therefore, the inhabitants of Manchester would have a heavier burthen " imposed upon them than the inhabitants of Liverpool, where there were corporate " funds. But it was impossible to go upon such a proposition as that. In one " town the poor-rates were much heavier than they were in others; in one they " were 5*s.* in the pound, while in others they were not 8*d.*; yet no alteration " could be adopted on account of such variation."

4005. Have you any extract from those debates from Mr. Williams Wynn's speech?—Mr. Williams Wynn said: " Parliament certainly could interfere with " the

" the law of property; but when, he wished to know, did Parliament ever deprive " a man of his property without compensation? If Parliament once established " the principle that it had a right to take away property of any description by a " mere fiat of its will, and without giving in lieu thereof compensation to the " deprived party, such a principle would go far to shake the foundations of all " property whatsoever." " What property would be safe, if they looked back into " past centuries for its origin? What was the title to abbey lands and other " estates obtained by the ancestors of their present possessors 300 years since, but " the unjust attainders or confiscations of former proprietors? Nay, they might " even look back to Doomsday Book, and examine what would be the validity of " title to all that property which was acquired from the Saxon owners by Norman " plunderers."

4006. Have you any observations made by Lord Melbourne in the House of Lords upon this Bill?—Lord Melbourne said, " We are about to give the whole " body of the people some interest in the government of their towns, and by that " means to give them an interest in the preservation of the public peace, and the " protection and good management of public property."

4007. Have you anything said by Lord Lyndhurst?—Lord Lyndhurst referred to a " case in which he, as counsel, had made an application to discharge a rate " which had been made by the magistrates of the borough of Berwick. He moved " to discharge it, on the ground of the corporation being in possession of funds " which it was their duty to apply to the public purposes of that town, and that " they were bound so to apply those funds before they could make that rate. Lord " Ellenborough, on that occasion said, it lay on those who insisted on the par- " ticular application of the corporate estates, to show they were compelled to " apply them in that way; if estates had been granted to them, they had a right " to apply them just as any other person would apply their estates, unless they " were restrained by the particular grant to apply them to particular purposes. " He had referred to this, to show what was Lord Ellenborough's opinion upon " a question of this sort, in concise terms. Applying this to the case of indi- " viduals, would their Lordships strip an individual of his property without a " charge being preferred against him, and without that charge being supported " by evidence? If they would not, then, under similar circumstances, would they " not require the same course of proceeding to be adopted with respect to a " corporation that was absolutely essential in reference to an individual? Their " Lordships had heard much said about public expediency, in reference to grants " of charters by the Crown. Suppose the inhabitants of Westminster were to say " it was inexpedient that they should continue to pay the tolls to Covent-garden; " those tolls were held by a noble duke, a Member of that House, under charter " granted by Charles the 2nd; and if the inhabitants of Westminster were to say, " 'Rescind that doctrine,' and let them get rid of that charter, without any proof " of abuse, or any evidence to establish a charge of abuse, but merely because it " was not convenient to them to be subject to such a charge, would not that be " considered a monstrous doctrine? And if their Lordships were to act on such " a doctrine, where could it be supposed they would stop? If they adopted that " in one case of property, what argument could be raised to resist it in another? " How many Members of that House held their titles and possessed their rights " to sit in that House by virtue of a patent granted by the Crown under the Great " Seal? It might be expedient to remove them in the eyes of some individuals, " without any charge, or any evidence of a charge, being brought against them; " but he would advise their Lordships to be cautious not to take the first step; the " first would lead to a second, and a second to a third. He would say to their " Lordships, Stand on the first principles of justice, and defy public clamour; " act as you are bound to act as gentlemen and nobles of the land, and never mind " the consequences. All the municipal corporations throughout the kingdom " held their chartered rights under gifts and grants from the Crown. That was " a part of the flower of the prerogative of the Crown; that which caused the " Crown to be looked up to and respected."

4008. Have you looked into any cases since the passing of the Municipal Reform Act, in which it has been determined that the new corporation is identical with the old corporation?—Yes, I have; in 7th Carrington and Payne, page 538, the case of the Corporation of Ludlow against Tyler, Mr. Justice Patteson said: " I believe that under the Municipal Reform Act there is no such thing as a " new corporation; and whatever I may think of the plea, I am afraid I have no

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" discretion to accept or refuse it. The plea must be received, and you must either " reply or demur to it." This is the case of The Attorney-general against The Corporation of Newcastle.

4009. What is the date of the case?—July the 14th 1842, before the Master of the Rolls; it is reported in 5th Beavan. The judgment which I am going to read is at page 314; the case commences at page 307. The question as to the corporation arose incidentally upon it; it seems to have been a charitable trust: " Next, it is said that this is a new corporation. I have had on more than one " occasion to consider the effect of the Municipal Corporation Act on this point, " and I have considered that it is not a new corporation, but a newly constituted " government of the old corporation; that what is called the new corporation " remains subject to all the liabilities of the old corporation, and which are to be " satisfied in the same manner as if no alteration had taken place. No doubt some " hardship occurs where liabilities are fixed on the ratepayers in a town which they " were not subject to before the Act, but the liabilities of the old corporation pass " with their corporate property to the new corporation, which is a continuation of " the old corporation with a change of government. There are many very great " political changes effected by the Act, but in other respects the corporation is not " legally changed."

4010. That is Lord Langdale?—Yes. In volume 9 of Beavan's Reports, at page 546, there is the case of The Attorney-general against The Corporation of Leicester, 27th April 1846.

4011. That is Lord Langdale again?—Yes.

4012. Just read the marginal note?—The marginal note is, " Liability of the " new municipal corporations and the ratepayers of their boroughs for the breaches " of trust of the old corporations, and the cost of obtaining redress. The new cor- " porations succeed to the debts and duties of the old corporations, whose places " they now occupy, as well as to their estates, property and rights."

4013. Read the judgment of the Master of the Rolls?—" The Master of the " Rolls:—I have seldom been more surprised than in hearing that this corporation " is not liable to pay costs in such a case as this. It is true that the members of " the corporation, as at present constituted, are not personally delinquent, and that " there is no imputation on them; but in considering the rights of the charity, it " must be remembered that the present corporation is but a continuance of the old, " and succeeds to the debts and duties of the old corporation, whose place it " occupies, as well as to the estates, property and rights." He goes on, " The cor- " poration had charity funds in their hands, and instead of seeing that it was pro- " perly invested and properly applied, they allowed it to remain in the hands of " their town-clerk for the benefit of the mayor and town-clerk; the charity was " excluded from the benefit of it, and it became necessary to file this information to " recover it back. To say that this charity is not to have the costs of this infor- " mation, in a case where there has been a dishonest use of its money, would be to " act contrary to every established principle upon the subject. The defendants " must pay the costs and interest on the amount found due."

4014. That was a case of the misappropriation of funds by the old corporation before the Municipal Reform Act?—Yes.

4015. The Bill was filed after the Municipal Reform Act against what we call the new corporation?—Yes.

4016. The court compelled the new corporation to pay the costs, and to remedy the default of the old corporation?—Yes.

4017. Have you any other case?—The question came before the Court of Exchequer in the suit of The Governors of Bristol Hospital against Norton; this is reported in the 11th volume of Meeson & Welsby; the case begins at p. 913; the judgment of the full court is delivered by Mr. Baron Parke; he says: " It has occurred to us as a matter of considerable doubt whether this section " applies to the present case, because the municipal body corporate of Bristol " did not stand seised of any land. It was a separate corporation, with a distinct " name of incorporation and a distinct corporate seal, that was seised of the land " in question, though the natural members of the body corporate were the same as " those who constituted the municipal corporation. If that doubt were well " founded, the plaintiff is entitled to recover on the demise by the Governors of the " Hospital of Queen Elizabeth in Bristol. If it be not, and the corporation is " treated as the same, and is seised of the land, we still think that the plaintiff is " entitled to recover on the same demise. Had it not been for the 71st clause, it

" is

" is clear that the trust estates in question would have continued in the corporation " as before the passing of the Act; for though under the previous sections the " name and style of the corporation, and the mode of electing the members were " changed, yet the identity of the body itself was not effected."

4018. That shows that the new corporation is treated as identically the same corporation as the old corporation?—Yes.

4019. Have you referred at all as to dealing with the property of corporations, to any instances in which that has been acted upon?—Mr. Shelley, a gentleman who was examined before this Committee, produced the Reciprocity Acts; and the first of those was the 59th of George the 3rd, passed the 2d of July 1819, to carry into effect a convention of commerce concluded between His Majesty and the United States of America, and a treaty with the Prince Regent of Portugal. The 7th, 8th, and 9th sections of that Act relate to the payment to be made to the corporations in lieu of reciprocity dues, which it was proposed, with regard those two countries, to abolish: " Whereas it is expedient that the said corpora- " tion trustees of Ramsgate harbour, other bodies politic and corporate, and sundry " other persons in whom such rates and duties are vested respectively, should be " indemnified for the loss sustained by means of this Act; be it further enacted, " that the difference in such cases between the rates and duties due and payable on " British ships, and those payable on foreign ships, shall be paid out of the conso- " dated duties of customs; and for the more effectual security of the public " revenue in respect of any claims which in virtue of this Act may be made, all " and every such claim or claims shall be transmitted by the aforesaid trustees, " bodies politic or corporate, or persons interested, or their agent or agents, " to the Corporation of Trinity House of Deptford Strond, who are hereby required " to examine the same, and being satisfied as to the correctness thereof, are " to certify the same accordingly, under the hand of their secretary or other proper " officer, together with such claim as the said corporation may have to the Com- " missioners of His Majesty's Customs in London, quarterly, for their order for " the payment thereof; and the said Commissioners are hereby required to direct " payment of such claims out of the Consolidated Duties of Customs to the said " Corporation of Trinity House of Deptford Strond; and the said corporation are " hereby required, after retaining what may be due as their right, to pay over to " the trustees of Ramsgate Harbour, to other bodies politic and corporate, and to " the sundry persons in whom such rates and duties may be vested respectively, " the amount of their respective claims, subject only to such incidental or other " charges as have heretofore been made in the collection of such rates and duties."

4020. There is compensation there?—Yes; that is carried out by the subsequent Acts on the same subject, quoted by Mr. Shelley, the Act of 1838, the 1st & 2d of Victoria, and other Acts, up to an Act passed in 1852, to enable Her Majesty to abolish otherwise than by treaty, on condition of reciprocity, differential duties on foreign ships.

4021. You find there is compensation in all instances?—Yes, the corporations are to be paid in respect of the dues they do not receive.

4022. Do you find the same principle in the 6th & 7th of Will. 4, c. 79, with reference to the purchase of lighthouses?—Yes. By that Act, which is the 6th & 7th of Will. 4, c. 79, the Corporation of Trinity House of Deptford Strond are authorised to purchase lighthouses; and the Act, by section 3, says, " and the power hereby provided to agree for such sale as aforesaid shall extend " to all corporations and all tenants for life or in tail, or any other partial or qualified " estate," and so on. Then, by section 2, special compensation is given to Her Majesty: " And whereas it is just that compensation should be made to the Land " Revenues of the Crown for the surrender which will be made under this Act of the " rights of the Crown in the said several lighthouses at Harwich, Dungeness, Win- " tertonness, Orfordness, and Hunstanton Cliff; and whereas the interests of the " Crown in the said several lighthouses, as such interests would exist on the said " 1st day of January 1837, in case this Act had not been passed, have been calcu- " lated and ascertained to be worth in money, to be paid on the said 1st day of " January 1837, the sum of 300,000*l.*; and whereas by virtue of the powers con- " tained in several Acts passed in the 53rd, 54th, and 57th years of George the 3rd, " and the 1st and 5th years of George the 4th, for the management and improvement " of the land revenues of the Crown, or in some of them, advances have been made " from to time out of the Consolidated Fund of the United Kingdom of Great " Britain and Ireland, for the purposes of the said Acts, to the amount in the whole

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"of 600,000*l.*" It recites another Act of the 10th of George the 4th, and proceeds: "The said sum of 600,000*l.* so advanced is made a charge upon and is "payable out of the possessions and land revenues of the Crown, whenever the "annual produce of those revenues shall cease to be carried to and form part "of the Consolidated Fund of the United Kingdom of Great Britain and Ire-"land, and shall be retained by the Crown as part of its hereditary revenue; "and whereas it is expedient that such compensation should be granted by "reducing the amount chargeable upon the possessions and land revenues of "the Crown, in respect of the advances made under the several hereinbefore-"mentioned Acts; be it therefore further enacted, that so soon as the estate, right, "and interest of his Majesty in the several lighthouses hereinbefore mentioned "shall vest in the said master, warden, and assistants under this Act, the amount "chargeable upon the possessions and land revenues of the Crown, in respect of "the advances to the extent of 600,000 *l.* so made out of the Consolidated Fund "under the said recited Acts, shall be reduced to the sum of 300,000 *l.*"

4023. Have you found an instance in which Parliament has abolished the petty customs and dues at Southampton?—Yes.

4024. Have you that Act?—Yes.

4025. Will you tell us exactly how the petty customs were dealt with when Parliament interfered?—This Act passed the 7th of April 1803, and is intituled, "An Act for abolishing certain dues, called petty customs, anchorage and "groundage, and for improving the port of the town of Southampton, for making "a convenient dock for the security of ships, for extending the quays and wharfs, "and making docks and piers in the harbour there, and for erecting warehouses for "the safe custody of goods and merchandize, and for imposing certain duties for "the above purposes." The Act recites that "The port of the town of South-"ampton is of great antiquity," and so on. "And whereas the mayor, bailiffs and "burgesses of the town and county and county of Southampton have, by virtue of "several charters, granted to them by his Majesty's progenitors kings and queens "of England, received, and been entitled, or claim to be entitled, to receive certain "duties, called petty customs, upon the exportation and importation of all goods "and merchandize out of and into the said Port of Southampton, from the owner, "exporter, or importer of such goods and merchandize, and also certain other "duties, called anchorage and groundage, payable by all vessels coming within and "not belonging to the said port, together with wharfage and cranage from the "owners and masters of all such vessels, which said rights, privileges, immunities, "exemptions and advantages the said mayor, bailiffs, and burgesses are willing to "relinquish and give up, upon a compensation being made for the loss and dimi-"nution that will accrue to the said mayor, bailiffs, and burgesses, by abolishing "the same."

4026. Just turn to the compensation clause?—Under this Act certain trustees are appointed who are to levy the dues mentioned in the Schedule to the Act. The 13th section provides that the petty customs are to cease, and that the new rates mentioned in the Act are to be levied; and the 19th section is in these words: "And be it further enacted, that all and every sum and sums of "money as shall be raised and received by the duties aforesaid, or recovered for "any forfeitures by this Act appointed, other than so much thereof as shall be "allowed to the collector, or other officers, for collecting and managing the said "duties, or for charges of recovering the same, shall be by the said Commissioners "applied and disposed of as follows: in the first place, to the payment of one-fifth "part of the said sum or sums of money to the said mayor and common council "for the time being, and their successors yearly, and every year after the com-"mencement of this Act, as and for a compensation for the loss and diminution "which will accrue to the said mayor and common council by the abolishing the "said duties called petty customs, wharfage, cranage, anchorage, and groundage."

4027. Therefore you have an ancient port in which the petty customs, groundage and anchorage for public purposes were got rid of, and Parliament gives compensation; that is correctly stated?—Yes.

4028. Have you the case of abolishing petty customs payable in the port of Leith?—Yes. This is an Act passed on the 8th of June 1847, "To abolish, "reduce, and equalise and consolidate the rates and duties leviable at the harbour "and Docks of Leith." And that Act recites, "Whereas the commissioners for the "harbour and docks of Leith and their predecessors have, by virtue of the before-"recited Acts, or some or other of them, been empowered to levy certain rates and "duties

" duties on goods and shipping, and have also, in virtue of Royal charters and other-
" wise, been in the immemorial use and possession of the right of levying certain
" other rates and duties on goods and merchandize imported and exported at Leith,
" some of which rates and duties are stated in Scots money." Then they are autho-
rised to to levy rates on goods and shipping; and the 8th section provides, "And
" whereas it is necessary for the trading and commercial interests of the port and
" community, and otherwise expedient to abolish the customs, rates, imposts, and
" market dues, commonly called 'petty customs,' at present leviable at the said
" port and within the town of Leith, under the authority of the said recited Act
" of the 1st and 2d year of the reign of Her present Majesty, or under any other
" authority; be it therefore enacted, that from and after the 11th day of November
" 1847 the said customs, rates, imposts, and market dues called the 'petty customs,'
" shall be and the same are hereby abolished, and shall be no longer exigible by the
" magistrates and council of the said town of Leith, anything in the said last-recited
" Act to the contrary notwithstanding; and the said last-recited Act, in so far as
" it authorises the exaction of any such customs, rates, imposts, and market dues,
" shall be and is hereby repealed." And the 9th section provides, " And be it
" enacted, that the said commissioners shall, in lieu of the customs, rates, imposts,
" and market dues hereby abolished, pay annually out of the rates and duties hereby
" authorised to be levied, to the magistrates and council of the said town of Leith,
" the sum of 500*l.*, commencing the first payment thereof at the term of Whit
" sunday 1848, and that in full of all claims up to the said term, and half-yearly
" thereafter, by equal portions, at the terms of Martinmas and Whitsunday, to be
" applied and administered by the said magistrates and council to and for such
" and the like purposes as the said customs, rates, imposts, and market dues hereby
" abolished, were applicable and applied."

4029. I am to understand that for public purposes it was required that those ancient dues payable in the port of Leith should be abolished, and Parliament awards a compensation of 500*l.*?—Yes.

4030. Taking it away, a compensation was awarded?—Yes.

4031. Have you the Teignmouth and Devonshire Harbour Act?—Yes; this is an Act passed on the 14th of June 1853, the 16th of Victoria. This Act relates to the Harbour of Teignmouth, the dues at which, as payable to the Corporation of Exeter, were the subject of that suit, The Mayor and Corporation of Exeter, *v.* Warren, the report of which I have put in. This is passed subsequently to that decision, and it recites: " Whereas the Mayor, Aldermen and Citizens of
" Exeter claim to be entitled to receive certain petty customs duties, or sums of
" money, commonly called town dues, in respect of goods, wares and merchandize,
" the property of persons not free of the city of Exeter, imported into the said
" Harbour of Teignmouth; and whereas such town dues are inconvenient, and ill
" adapted to the trade of the said harbour and district; and whereas it is expedient
" that the rates, tolls and duties authorised to be levied by the said recited Act, and
" the said petty customs or town dues, should be altered, modified, and regulated as
" hereinafter mentioned; and that other rates, tolls and duties should be substituted
" in lieu thereof." Then the Act constitutes a trust for the harbour.

4032. Public trustees, I suppose?—Yes; the 88th section provides " that in
" consideration that the rates, tolls, duties, or dues claimed by the Corporation of
" Exeter, are to be no longer claimed or payable within the said harbour, the Com-
" missioners shall pay to such corporation the sum of 3,000 *l.*, and such sum of
" 3,000 *l.* shall be considered in all respects as part of the sum of money authorised
" to be borrowed under this Act, and the Corporation shall be entitled to the same
" rights and remedies for recovering or enforcing payment of the same, as any
" creditor of the Commissioners would be entitled to under this Act: provided
" always, that the said Corporation shall, and they are hereby required to determine
" any existing lease which they may have granted of or concerning the said tolls,
" duties or dues, within 10 days after the said sum of 3,000 *l.* shall have been
" paid."

4033. Is that a public Act or a private Act?—This is a local Act for the maintenance and regulation of the Harbour of Teignmouth.

4034. There you have, for public purposes for the maintenance of the harbour, those dues taken away, and compensation made?—Yes.

4035. Do you find an Act of 1 & 2 Vict. c. 120, respecting the property of the Prince of Wales, as Duke of Cornwall?—This Act, 1 & 2 Vict. c. 120, received the Royal Assent on the 16th of August 1838; it is intituled, " An Act for the

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" Abolition of the Duties payable on the Coinage of Tin in the Counties of Corn-
" wall and Devon, and for given Compensation in lieu of such Duties, and to reduce
" the Duties of Customs payable on Tin." The preamble recites, " Whereas,
" by the laws, usages and customs of the counties of Cornwall and Devon, all tin
" dug, raised and taken therein respectively is required to be coined, and certain
" duties are payable for the coinage thereof: and whereas, by charter made and
" passed in the 11th year of the reign of his Majesty King Edward the Third, and
" duly confirmed by Parliament, the said coinage duties, together with certain
" other possessions, were thereby granted to the then Duke of Cornwall, and to the
" first-begotten son of him and his heirs (Kings of England) being Dukes of Corn-
" wall, and heirs apparent to the kingdom of England; and the same were thereby
" annexed and united to the Duchy of Cornwall for ever to remain, so that from
" the said duchy they should at no time be in anywise severed, so that when the
" Duke of Cornwall for the time being should depart this life, and a son, to whom
" the said duchy was thereby appointed, should not appear, the said duchy
" should revert to and be retained in the hands of the King of England for the
" time being, until such son, being heir apparent, should appear; and whereas such
" duties on the coinage of tin in the said counties of Cornwall and Devon are now
" payable to her Majesty, in right of her Duchy of Cornwall; and whereas it is
" expedient, and for the benefit of trade, that it should not be necessary that any
" tin so dug, raised or taken should hereafter be coined, and that all duties so as
" aforesaid payable on the coinage thereof should cease, and that compensation in
" lieu thereof should be given to her Majesty or other the personage for the
" time being entitled to the revenues of the Duchy of Cornwall: be it therefore
" enacted," that the duties shall cease. And by section 2 it is enacted, " That it
" shall and may be lawful for the Commissioners of her Majesty's Treasury, and
" they are hereby required to ascertain the amount of the clear annual payments
" during the last 10 years in respect of such coinage duties in the said counties of
" Devon and Cornwall, after deducting therefrom all costs, charges and expenses
" to officers and others during such period, incurred in and incident to the ascertain-
" ing, managing and collecting of such coinage duties." By section 3 it is enacted:
" That in lieu of such coinage duties an annuity or yearly sum equal to the
" amount which shall be so ascertained to have been the average of such payments
" shall be issued out of and charged and chargeable upon the Consolidated Fund
" of the United Kingdom of Great Britain and Ireland (after paying or reserving
" sufficient to pay all such sum and sums of money as have been directed by any
" former Act or Acts of Parliament to be paid out of the same, but with preference
" to all other payments which shall or may hereafter be charged upon or payable
" out of the said fund)."

4036. Is that the compensation clause?—That is it; but the Lords of the Treasury are to ascertain the clear annual payments during the last 10 years.

4037. There again you find this taken away from the Duchy of Cornwall in respect of which compensation is awarded at Cornwall?—Yes; I see there is a Paper laid before Parliament on the 31st December last, being an account of receipts and disbursements of the Duchy of Cornwall for one year ending the 21st December, presented to Parliament pursuant to the Act I have just read. I see, amongst the receipts of the duchy, " To annuity received from the Consoli-
" dated Fund under the Act of the 1st & 2d of Victoria, chapter 120, in lieu of
" tin coinage duties, post groats, and white rents, 16,216 *l.* 15 *s.*"

4038. Have you anything to say with respect to Dundee?—I see in the report of the Shipping Dues Commissioners upon the Harbour of Dundee, that in page 78 of their report it is stated, " Prior to the passing of the original Harbour Act,
" passed in the 55th year of George the Third, now repealed, the Municipal Cor-
" poration of Dundee levied tonnage, anchorage and beaconage dues, shore, silver
" dues of plankage, and weighing of coals; these dues, although not abolished,
" were suspended during the continuance of that Act. By the 35th, 36th, 37th and
" 38th sections of the Act of 11th George the Fourth, chapter 119, power was
" given to the trustees to purchase of the corporation these rates and duties,
" together with the right to the port and harbour, and works and other property to
" which the corporation laid claim. The purchase was effected for the sum of
" 27,500 *l.*, and the dues above mentioned were extinguished in 1841."

4039. There you have compensation to the Corporation of Dundee for certain duties taken from them?—It appears so from that statement; I know no more of the circumstance.

4040. Some

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4040. Some mention has been made that the corporation have expended part of the revenues in building and maintaining churches in Liverpool?—Yes; that has been alluded to.

4041. Have you any observation to make upon that statement?—Only this, that previously to the passing of the Municipal Corporations Act the Corporation of Liverpool did build several churches in Liverpool, and endow them; but as to each church, a special Act was obtained.

4042. Since the passing of the Municipal Corporations Act has anything been done in the way of building churches at Liverpool?—Immediately after the passing of the Municipal Corporations Act, a dispute arose as to a certain sum of money which the old corporation had set aside to procure an endowment for the churches; and upon a proceeding coming into the Court of Chancery, it was held that the old corporation, with notice of that Act, had no right to do so; and it resulted in an Act being passed to settle the amount to be paid to the ministers of those churches, and they are made a charge upon the borough fund.

4043. There have been some observations made during the course of this inquiry upon the subject of levying rates upon the inhabitants for municipal purposes; have you any observation to make upon that?—It is perfectly true that there is not at Liverpool any borough rate, in the sense in which the word is properly used; not a rate under the Municipal Corporations Act. That Act only authorises the council to levy a rate if the funds receivable into the borough fund are insufficient for the obligatory expenses. As in each year the amount received into the borough funds at Liverpool, which are to comprise every item of revenue, has been sufficient, there has been no borough rate at Liverpool. But the council do levy rates for municipal purposes, watching, lighting, paving, sewering and other purposes, to a very large amount every year. Previously to the year 1847, there was a body of commissioners at Liverpool for paving and sewering, and other purposes of that description, but in that year the powers were tranferred to the council. I have here a statement of the rates which have been levied in each year since 1847, including the poor-rate, which of course is not laid by the council, but which is mentioned in the amount of rates payable at Manchester; and I find that since 1847 the average rates per year have been 301,577 *l.*

4044. Are those laid in various rates?—Yes; it was explained by Mr. Heron, that in Manchester there are several townships; in Liverpool there are also several townships; the parish of Liverpool, the township of Kirkdale, the township of Everton, the township of West Derby, and the township of Toxteth Park; each of those townships, for the purpose of rating under the Act of Parliament for paving, sewering, lighting and so on, is a separate district, and separate accounts are kept of the expenses in each district, so that the rates vary; there is not a general rate all over the borough.—(*The Return was delivered in.* No. 85.)

Vide Appendix.

4045. How are the rates levied for the poor?—The rates are levied for the poor in the parish of Liverpool, by the overseers of that parish, and each of the other townships in the borough is a separate parish in itself for its own rating; the corporation, of course, have nothing to do with the poor-rates; they do not interfere in any way with that matter.

4046. Have you any other observation to make upon that part of the case; it is stated that there is no watch-rate in Liverpool, is that so?—We do not levy watch-rate; that is to say, it does not actually come into the corporate funds.

4047. Under what power is the watch-rate levied?—Soon after the passing of the Municipal Corporations Act, it was decided by the Court of Queen's Bench that the property of municipal corporations, inasmuch as under that Act it became a public trust, was not rateable for the relief of the poor; in consequence of this decision, Parliament passed an Act, the 4th and 5th of Vict., c. 48, to make property of that description, that is, corporate property in the possession of the corporation, rateable; but that Act contains a proviso, the effect of which is, strictly construed, to prevent levying any poor-rate on corporate property in the parish of Liverpool. In 1849, the parochial authorities at Liverpool, finding this, proposed to apply for a Bill to rate the corporate property, that being the same year on which they proposed to apply for a Bill to rate the property of the Dock Trust; it was found that the amount to be received from the corporation of Liverpool, in respect of such rates, would be about the same as the amount levied by

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them for the watch-rate. The levying of the watch-rate is effected by directing a precept under the seal of the mayor, to the overseers, and they levy that rate as part of the poor-rate; and finding that the amount would be very nearly similar, in order to save the cost of applying for an Act of Parliament, the corporation agreed to pay that amount in lieu of rates; in fact to levy the rate, but not to receive it.

4048. With respect to the ferry or passage over the Mersey, I believe Mr. Bancroft alluded to that; have you any entry in the corporation book to explain that in 1646?—Yes; I find in this book, which has so often been referred to, the proceedings before the Corporation Commissioners at Liverpool, that an entry from the corporation records was produced by Mr. Lowe, the solicitor, which I mentioned before, and which is in these words: it is on the 16th of April 1646: "Whereas complaint is made by the farmers of the ferrie boats belonging to this "town, that those boats which belong unto Cheshire syde, doe ingrosse all the "passage to themselves on both syds the ryver, contrarie to former usage and "customs. It is, therefore, ordered by this assembly, that from henceforth the "ferrie boats belonging to Cheshire syde may take in the first loading there, and "that the boats belonging to this towne shall lykewise have the first load on this "syde, mutually at the fares and market days only, as hath been accustomed, pro-"vided that they be readie and diligent to serve, and takeing only the due and "accustomed pay for their fare, and noe more, at their perills, they haveing notice "of this order." From that it would appear that the ferry certainly was a ferry across to Cheshire, as everybody has understood. I never heard that point raised before, and I believe amongst Lord Sefton's muniments at Croxteth, there are deeds which clearly show that the old ferry was a ferry to Cheshire.

4049. Mr. Bancroft said something about the Crown making a free grant of the land, for the purpose of making the Birkenhead docks; have you any explanation to give upon that subject?—Mr. Bancroft was quite correct as to the grants being made by the Crown, but it was under these circumstances: according to the plans designed for the Birkenhead Docks in 1844, there will be inclosed two large spaces of land, one on each side of the entrance into the Birkenhead Dock Float. Those two reserves under that Act and subsequent Acts were to remain the property of the Crown; they were to be enclosed by the trustees, but to remain the property of the Crown. The Birkenhead Dock trustees got into difficulties, and were unable to raise any sufficient sums for the prosecution of the work, and the Crown agreed to grant to them the south reserve, upon condition that all money they raised upon that should be expended in completing the works. As to that south reserve, therefore, it was a free grant of the Crown, although only a free grant of so much of the space as would be covered by the water; but upon the north reserve they retained their right, and they sold that north reserve to a private gentleman for 60,000 *l.*, being also required to pay to the Crown the sum of 22,000 *l.*, which had been expended in constructing the walls; and subsequently the corporation purchased that from the then possessor.

4050. For what sum?—One hundred thousand pounds; he had expended a sum of money, in addition to the payment required to be made to the Crown.

4051. With that did the corporation undertake any obligation?—We undertook any obligation that the Crown were under by any of the Birkenhead Dock Acts.

4052. Have you any other statement to make?—No, I am not aware that I have.

4053. Mr. *Headlam.*] I think you have stated that you have some difficulty in lowering the dues at present?—Yes.

4054. From what does that difficulty arise?—Under the Municipal Corporations Act.

4055. *Chairman.*] Will you state to the Committee just what the Corporation of Liverpool claims with regard to these town dues; first, within what limits do they claim to levy this tax?—They claim to receive these dues upon all goods imported into and exported from the Port of Liverpool, namely, from the Red Stones at Hoylake to the mouth of the Ribble water, and then up to Warrington and Frodsham bridges.

4056. That is their claim in point of extent?—Yes.

4057. It is coincident, I may take it, with the limits of the Customs' port?—It is practically so.

4058. What are the exact taxes that they claim to levy within those limits?—They claim to levy 1 *s.* anchorage upon every coasting vessel, 1 *s.* 3 *d.* upon every British vessel coming foreign, and 1 *s.* 6 *d.* upon every foreign ship.

4059. And they claim besides to tax all goods coming in and going out, landed any where within those limits?—Yes, or shipped.

4060. Do they claim the right to tax new goods as they arise?—Yes.

4061. Do they claim the right to increase the dues which they once have levied?—No, they do not claim that right.

4062. Do they claim the right to decrease the dues?—They claim the right to make deductions in the shape of compositions, as I have already explained; that was previously to the passing of the Municipal Act.

4063. But not permanently to decrease the tolls without reference to the Municipal Act?—No.

4064. There is no instance of that, is there?—The only instances of compositions of which I am aware are those which I have referred to, beginning in 1825.

4065. You claim no right to decrease the tolls permanently?—No.

4066. No right to increase and no right to decrease, except by way of composition for a limited time?—Yes.

4067. What rights do you claim with regard to the enforcement of these dues; in what way should you enforce them?—By an action at law.

4068. Is that the only way that you claim to have a right to enforce the dues?—It is the only way which I should advise for the enforcement of the right. In former days, it appears from our records that goods were seised upon the non-payment of the dues.

4069. Do you claim to forfeit a vessel carrying goods which do not pay the dues?—No, I am not aware that we do.

4070. Do you claim to forfeit the goods?—No.

4071. Do you claim to sell any part of the goods in satisfaction of the dues?—I am not aware that we should prefer such a claim.

4072. Do you claim to impose fines upon persons for not paying those dues?—No; you will take this explanation with my answers to all these questions; I understand that the corporation claim to be entitled to receive these dues, and upon any party refusing to pay them, they would adopt such course for their recovery as they might be advised; I should advise an action, and if they had at law a right to recover them otherwise, they might avail themselves of that right.

4073. I want to know whether they claim that right?—It appears from the old records that they have exercised it; whether correctly or not, I do not know. We have had no occasion in my experience to resort to such a remedy, if we have it.

4074. Then the freemen of Liverpool claim to be exempt from these dues, do they not?—Yes.

4075. From all of them?—No, they pay the anchorage.

4076. Is there any other exemption whatever?—The freemen of London, that is freemen resident within the City of London, and the freemen of Bristol, Waterford and Wexford.

4077. Is there any exemption in favour of goods consumed in the town of Liverpool?—No; that arises from this; that goods coming down the river, and not going to sea, would not be chargeable, never leaving the port.

4078. Goods coming into Liverpool would not be chargeable?—Goods coming down the river would not be chargeable; if they did not come from sea, they would not be chargeable.

4079. Or are not going to sea?—Or are not going to sea.

4080. What is the limit within which you claim these rights on the Cheshire shore?—We claim them from the Red-stones at Hoylake to Frodsham Bridge.

4081. Do you claim anchorage all over the Mersey?—Yes.

4082. To what limit?—The same limit.

4083. High water on the Cheshire shore all along?—Yes.

4084. And the same way up to the southern boundary, the Ribble?—Yes.

4085. And to Hoylake?—Yes.

4086. The keel toll is the same thing as "anchorage," is it not?—I take it that the words "anchorage" or "keel toll," mean the same things.

4087. "Key toll" means "keel toll" does not it?—Yes.

4088. Now as to the evidence by which the claim is supported; your title, as I understand,

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I understand, rests on the grant from King Charles the First; is it not so, to the corporation of London, which by mesne assignments came to you?—Yes, that is the first time we got the fee.

4089. As I understand, you make title under King Charles the First; you say that he, in 1628, was in possession of these dues; being so in possession, he granted to the City of London; the City of London assigned to Lord Molyneux; he assigned to you; and you afterwards got the reversion?—Yes.

4090. Will you have the kindness to point out, with reference to the parcels in the grant of King Charles the First, how you make out that this right of taxation, within those limits, passed?—The parcels in the deed or grant from King Charles the First are, "All that the town and lordship of Litherpoole, "parcel of the honour of Lancaster, in the aforesaid county of Lancaster, with "every of their rights, members and appurtenances, and all that boat and passage "over the water of Mersey there, and the butchers' shambles in the said town "of Litherpoole, and also all stallage and tolls of the markets and fairs, with the "perquisites of courts in Litherpoole aforesaid, and all customs, anchorage and "keytowle of the water of Mersey aforesaid, and within the aforesaid town or "lordship of Litherpoole aforesaid, then or late in the tenure or occupation of "Richard Molyneux, knight, or of his assigns, by a particular thereof mentioned "to have been of the yearly rent or value of 14*l.* 6*s.* 8*d.*, and to have been parcel "of the lands and possessions of the ancient Duchy of Lancaster, to be held as "fully, freely and entirely, and in as ample manner and form as the said King "Charles, or any of his progenitors or ancestors, then late kings or queens of "England, the premises had, used or enjoyed, or ought to have had, used or "enjoyed."

4091. If I understood you correctly the other day, you said that you claim that the port of Liverpool belongs to the corporation; is not that so?—Yes.

4092. By "the port," do you mean the limits you have just described?—To the ancient limits, which we say are the ancient limits of the port.

4093. That is the limit from Hoylake on the one side, to the Ribble on the other, and up to Warrington and Frodsham bridges?—Yes.

4094. You say that the ancient port of Liverpool passed to the corporation by this grant?—Yes.

4095. Will you point out the words in the grant which pass it?—We say that the words "lordship of Liverpool" comprise the port; that the port was incident the lordship from the earliest times.

4096. What do you understand by the word "lordship"?—The old parish and lordship of Liverpool, to whatever extent it went.

4097. Does "lordship" mean "manor"?—I do not know that it is confined to that; I think it means something more than manor.

4098. What does it mean?—I would rather not give any opinion upon that.

4099. It is said to be "parcel of the honor of Lancaster;" what is an "honor" in law?—It means something more than a manor.

4100. It means a collection of manors, does not it?—I think so.

4101. Must not that which is parcel of an honor be a manor?—I do not think that follows exactly.

4102. You do not know what the word "lordship" means; without knowing what it means, you say that the port was incident to that unknown thing, and has been from the earliest times?—We have evidence which satisfied a jury upon that subject.

4103. I am assuming for a moment that the ancient port is equivalent to the limits which you have described; I want you to point out the words in the conveyance of King Charles which passed the port; do you say that the port was part of the lordship of Liverpool, or incident to the lordship of Liverpool?—Incident or part.

4104. Which?—One or the other, or both.

4105. In fact, you can give the Committee no information upon the subject of what the word "lordship" means?—I can only give information in this way, that if the language of the grant be ambiguous, we explain it by the usage for some hundreds of years.

4106. I wish to call your attention to Mr. Rushton's report of the trial; in the 27th page of the Appendix you will find a conveyance of the reversion of this property to the corporation of Liverpool, and in page 28, amongst the parcels there

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there enumerated, is the following: "All that and those the town and lordship of Liverpoole, and all the flesh shambles," and so forth; then the next parcel is, "And all the customs, anchorages and key-tolls of, in or upon the river or water "of Mersey, and within the said town or borough of Liverpool, otherwise Liver- "poole aforesaid;" first, it conveys the town and lordship of Liverpool, then, in the next place, it conveys "the customs, anchorages and key tolls of, in or upon "the river or water of Mersey, and within the said town or borough of Liverpool;" I presume that the word "borough" means the same thing as "lordship," or else you have not got the reversion; does not it seem to give a meaning to the word "lordship," and to make it mean "borough"?—I do not see that it necessarily follows that those words limit it in that way.

4107. We find in the conveyance of King Charles that it is conveyed with reference to the "town or lordship;" we find in this conveyance under which you claim, that it is "the town or borough of Liverpool"?—It is all that town and lordship of Liverpool, with all the customs of anchorage within the town and borough of Liverpool.

4108. You cannot give me any construction of the word "lordship" whatever; you say the port was incident to it?—Yes.

4109. Do you think it was a different thing from the town?—I think it is larger.

4110. All we know is that it was larger than the town?—All I know is that we have been receiving these dues according to custom which has been established for some hundreds of years, and there are the words made use of in the grant.

4111. Then, as I understand, you take these customs as owners of the port of Liverpool, granted to you by King Charles the First?—Yes.

4112. Not under the special grant of King Charles the First, of the customs, anchorage and key tolls of the water of Mersey aforesaid, within the aforesaid town or lordship of Liverpool?—We take them under the words of those grants.

4113. Under which?—Under both.

4114. Do you take them under two different titles?—No, under the same title by different descriptions.

4115. Then the last words are surplusage, are they not?—No, I do not know that that necessarily follows; they are describing the same parcels, sometimes with more particularity, and sometimes with less.

4116. You say that you take customs within the lordship of Liverpool?—Yes.

4117. And you take those customs, I suppose, under the express words of the grant?—Yes, as explained by usage.

4118. You take those customs under the express words of the grant; as there is a bare possibility that the Port of Liverpool is not part of the lordship, but belongs to the lordship, as I think you will find is the case with the Port of Plymouth, and some other ports in England, then you would take the customs without the town and lordship of Liverpool by a different title from that under which you take the customs within the town and lordship of Liverpool?—I say that the port of Liverpool is incident to the lordship of Liverpool.

4119. Then, of course, that which was within the lordship of Liverpool, you take by the express words of this grant, because it grants customs within the lordship of Liverpool?—Yes.

4120. Those without the lordship, but incident to the lordship, you take by a different title, so that you have two different titles set up to your town dues; is not that so?—I do not see that it is entitled to that construction at all.

4121. If it is not within the lordship, you take it as appurtenant to the lordship; the part you take within certain limits is by an express grant of customs within the lordship; the other part you take beyond those limits as appurtenant to the lordship?—We take it under the grant, explained, as to the extent of that grant, by usage.

4122. We are now on the construction of the grant; I am conceding every thing you can wish as to construction, I only want to get at the title; it seems to me, that you set up two different titles?—No; we set up the grant, and explain the words of that grant by the usage under it.

4123. Is it a title to take as appurtenant to the lordship, or is it a title to take within the lordship?—All over the lordship, and over what is appurtenant to the lordship.

4124. Then you set up two titles, one title to take customs within the lordship, and another title to take customs without the lordship; for the first you rely on the

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the grant of the port, and for the second, you rely on the express words of the grant?—I do not see that it forms two titles at all.

4125. The words are, "All that the town and lordship of Litherpoole, parcel "of the honor of Lancaster, in the aforesaid county of Lancaster, with every of "their rights, members and appurtenances;" the lordship of Liverpool, I presume from this, is in the county of Lancaster?—Yes.

4126. Then nothing that is not in the county of Lancaster passes by the words "Lordship of Liverpool"?—Yes; whatever is the lordship of Liverpool; if the port is included within the lordship of Liverpool, that would pass under those words; the ownership of the soil is not necessary, I believe, to the creation of a port.

4127. I am not now on the appurtenances of the matter, but on the lordship itself; of course it conveys all the rights, members and appurtenances, but the lordship itself is within the county of Lancaster?—Yes; assuming that the lordship is confined merely to the town of Liverpool on land.

4128. I am not assuming anything; I only want to know, whether, by the words in these parcels, "all that the town and lordship of Liverpool, parcel of "the honor of Lancaster, in the aforesaid county of Lancaster, with every of their "rights, members and appurtenances," King Charles grants you, under the term "lordship," anything except in the county of Lancaster?—Yes, I think he does.

4129. What else?—He grants "the port of Liverpool," the port of Liverpool being incident to the "lordship;" part of that is out of the county of Lancaster.

4130. I am not speaking of what is incident to the lordship; but is not the lordship itself within the county of Lancaster?—The town of Liverpool is within the county of Lancaster.

4131. The words "town and lordship" are immaterial to you, because you say the lordship contains the town, and something more?—If the port of Liverpool is part of the lordship of Liverpool, more than was merely in Lancashire would pass under the grant.

4132. There is a clause which says "with every of their rights, members and "appurtenances;" they may be anywhere in the world, but the lordship itself must be in the county of Lancaster, must it not?—If you limit it in the way you do, I do not; I say, that we have a right to the lordship under that grant, and the rights that passed under it, to the full extent of the meaning which it will bear.

4133. Will you favour me with what that meaning is?—I say it includes the port of Liverpool. The words of the grant, without limiting them to any particular one word, together, pass the port of Liverpool.

4134. I cannot yet gather whether it is part of the lordship, or appurtenant to the lordship?—I do not say what it is; it is one or the other, or both.

4135. It is either part of or appurtenant to something; you do not know what that something is; there is an unknown quantity; it is either part of that unknown quantity, or appurtenant to that unknown quantity; and whether that unknown quantity is in the county of Lancaster or not, you do not know; is that a fair representation of your views?—No; that is not my answer.

4136. That is the view I represent; do you say that is not a fair representation of your views?—I say that is not my answer.

4137. It is my question, and I want to know what your answer is; is that a fair representation of your views, and if not, in what respect is it an improper one?—I cannot answer such a question as that; I did not make use of those words.

4138. What is "the lordship of Liverpool;" what is the meaning of the word "lordship"?—I cannot define the meaning of it.

4139. You do not know?—I cannot define it; do you mean the legal construction to be put upon it?

4140. I mean what is the meaning of the word "lordship" in this grant?—What I understand by the word "lordship" in that grant is, that the word "lordship," and the other words contained in the grant, convey to the corporation the rights which they claim.

4141. That does not tell me what the word "lordship" means?—I cannot pretend to give a legal definition of any one word in a deed separated and taken distinct from all the other words of that deed.

4142. This word "lordship" seems to be the pivot upon which your claim rests; you say that the port is either part of that lordship, or appurtenant to it, therefore it becomes very material, in some way, to ascertain what the word "lordship" means; can you tell me the boundaries of the lordship of Liverpool, without

without entering into the question of what the word "lordship" means?—The boundaries of Liverpool, by the land, were confined to the old parish of Liverpool.

4143. Is that the lordship?—As far as I understand by the word "lordship," the land boundaries of Liverpool itself consisted merely of the parish of Liverpool.

4144. What was the town and lordship of Liverpool?—The town and lordship of Liverpool, I say, carried with it something more.

4145. The boundaries of the lordship consisted of the boundaries of the parish of Liverpool?—Just so; but if I answer that question without reference to the other parts of the deed, my answer might lead to mistake; I say that the lordship of Liverpool comprises more than the town.

4146. And, as you have said, certain appurtenances besides?—Yes.

4147. The lordship without those appurtenances comprised the town?—I do not know what is limited by the use of the word "lordship."

4148. You do not know the boundaries of the lordship?—Yes, I think I know the boundaries of the lordship, coupled all together with the express words in that grant.

4149. What is the boundary of the lordship?—The boundaries of the lordship of Liverpool with the appurtenances mentioned in that grant.

4150. Without the appurtenances?—That I cannot pretend to define.

4151. I may have a piece of freehold land close to a common with a right of common; that freehold land is one thing, and the right of common is another thing; you can tell me the boundary of the piece of freehold land without committing yourself to say that I have no right of common; cannot you do the same with respect to the lordship of Liverpool, as separate from the rights annexed to it?—I should be very sorry to attempt to make a definition which may be quoted against me hereafter; I may give a wrong opinion.

4152. Mr. *Watson.*] Is there any manor court?—There is a manor court confined to the old borough.

4153. Has any manor court been held for many years?—No.

4154. Is there any perambulation of the borough?—They used to perambulate the town and borough, up to the time of the Municipal Corporations Act.

4155. *Chairman.*] Do you think the lordship means the manor?—No; it means something more; allow me to mention; you have quoted the words "town "or borough" from Mr. Rushton's book. The abstract which I have here, does not contain the word "borough," but "lordship." I will not say that it is so in the deed, but my abstract differs from the book, I will not say which is correct.

4156. Mr. Rushton's book says, "All that and those the town and lordship "of Liverpool, and all the flesh shambles," and so forth. Then the next paragraph is, "And all the customs, anchorages and key tolls of, in, or upon the "river or water of Mersey, and within the said town or borough of Liverpool, "otherwise Liverpoole aforesaid?"—In my abstract it is, "within the said town "or lordship of Liverpool."

4157. You say that the words "boat and passage over the water of Mersey "there," mean the passage over to the other side?—To Cheshire.

4158. To where in Cheshire; do you fix upon any particular point?—The corporation, from the time they purchased the reversion, have never exercised that right of ferry.

4159. Do you know to what point this deed conveyed the right of ferry?—I imagine the landing place at that time for all boats would be near Monk's Ferry.

4160. And Monk's Ferry is at Birkenhead, is it not?—It is in Birkenhead.

4161. Mr. *Watson.*] Is it not higher up than the Birkenhead Ferry?—Lower down than the Birkenhead Ferry, between Woodside Ferry and Birkenhead.

4162. *Chairman.*] Then we come to "And all the customs, anchorage and "key toll of the water of Mersey aforesaid, and within the aforesaid town or lord-"ship of Liverpool aforesaid." I want to know whether those "customs, "anchorage and key toll" are identical with what you say the corporation take under the former clause. You say they take as owners of the port certain dues; now here, after the conveyance of the port, as you say, comes another grant of customs, anchorage and key toll; is that identical with what you take under the former clause?—I do not know that it is another grant. It is a greater particu-

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larity in the description of various matters, which are intended to pass under the whole grant.

4163. Do you think that in this clause all that is intended to pass under the former grant is enumerated?—I should think it is.

4164. Will you have the kindness to look at what it is; it is "All customs "anchorage and key toll of the water of Mersey aforesaid, and within the afore- "said town or lordship of Liverpool;" therefore all that is intended to pass under this grant (I am asking for your construction) is customs within the lordship of Liverpool?—No, I say customs within the water of Mersey.

4165. The words here are, "customs, anchorage, and key toll of the water "of Mersey aforesaid;" what do these words mean, "Water of Mersey afore- "said," and "Water of Mersey there?"—The water of Mersey in the town or lordship of Liverpool. Those words may as well mean the customs and anchorage of the water of Mersey, describing the water of Mersey as within the town or lordship of Liverpool.

4166. Then the words "Water of Mersey there," mean the water of Mersey within the lordship of Liverpool?—Within or appurtenant to the lordship of Liverpool.

4167. If you look at the parcels of the deed, you will find that the word "afore- "said" has reference back to the last time of course when the waters of Mersey are mentioned; and the last time they are mentioned is in the former clause of the deed, "Water of Mersey there." The question is, what "there" is, and you now take me back to the town or lordship of Liverpool, which is the first place mentioned; therefore it must mean the water of Mersey, as you said just now, within the town and lordship of Liverpool, must it not?—I do not think that necessarily follows, nor should I be prepared, as I said before, to give a description of the rights accruing under that deed, by taking any particular words or particular parts of words in the deed. I take the whole of the deed, and explain it by the usage under it.

4168. But the words "Water of Mersey there" must mean something; the other place mentioned before was the town and lordship of Liverpool; then it says "The water of Mersey there;" do you mean to say that it does not mean the lordship of Liverpool?—I think it means, "Within the town and lordship of "Liverpool," but it does not mean to confine it within the bounds of the town and lordship of Liverpool merely, alluding to the manor of Liverpool; I say the lordship means more than the mere town, as I said before.

4169. Is it not limited to the waters of Mersey within the lordship?—I do not know that it is necessarily so.

4170. Then when it says "there" it means "not there"?—No.

4171. What construction do you put on the word "there"?—I take the whole of the words of the grant together, and I explain that grant or the construction of it by the usage that has passed under it.

4172. What do you mean by "there;" "there" must have a meaning as well as everything else?—All over the lordship of Liverpool and its appurtenances.

4173. So that "there" means, what is not in the lordship of Liverpool, as well as what is?—I have not stated what I believe to be in the lordship, *per se*.

4174. I ask you whether the word "there" does not refer, according to your construction, not to the lordship of Liverpool, but to the lordship and the appurtenances of it together?—I say it may be a part of the lordship, or the appurtenances.

4175. Mr. *Watson*.] I believe you wished to have counsel to attend this Committee, to expound such knotty points as we had propounded just now?—Certainly; I should be very sorry in my position to attempt to give my own exposition of a deed, or of particular words, or parts of it.

4176. Mr. *Headlam*.] I presume you think you have done enough, when you have laid the deed before the Committee?—Yes; we say that we are entitled to all that the law will give us under that deed.

4177. Mr. *Watson*.] Has there not been an enjoyment of these customs for a further time than you can trace?—Yes.

4178. *Chairman*.] Now you say that the Port of Liverpool anciently extended to the boundaries which you have mentioned?—I say, so far as we can trace the usage of the corporation in respect to these matters, we find that the Port of Liverpool extended to those points that I have mentioned, from the Red Stones at Hoylake.

4179. To the Ribble, and to Frodsham and Warrington?—Yes.

4180. Will you point out what there is in your evidence that supports such a statement. I find there is an inquest in the reign of Edward the First, which speaks of Crosby as in the Port of Liverpool?—I have put in an inquest held before the coroner for the borough of Liverpool, upon the body of a man drowned in a creek of the River Mersey, in Cheshire.

4181. Does the Liverpool coroner now claim to hold jurisdiction in Cheshire?—No, the law has been altered; a coroner can only hold an inquest where the body is found, and not where the cause of death occurred.

4182. This man was drowned in Birkitt Pool?—Yes.

4183. What is the nature of Birkitt Pool; is it an arm of the sea?—Yes; it is a pool running up from the River Mersey.

4184. There was a single instance of a coroner's inquest held; is there anything else?—Many instances have been given within my own knowledge, and proved by the evidence of old persons, that the right to arrest under the process of the borough court of Liverpool has been exercised all up and down, as far as their memory extended.

4185. We are speaking of things subsequent to the grant, and not prior to it; as to the right of arrest under the Court of Passage, is there not an Act of George the 2d which gives that right?—No.

4186. Are you not aware that there is an Act of George the 2d, with reference to the Court of Passage?—No.

4187. Does the jurisdiction of the Court of Passage extend over the Port of Liverpool, as you call it?—Yes; debts have been recovered in that court contracted for goods sold and supplied on board vessels in the river.

4188. Mr. *Watson.*] That is, the cause of action must arise in the jurisdiction, and a contract made upon the water has been held to give jurisdiction to the Court of Passage?—Yes, and torts also.

4189. *Chairman.*] Is there anything else you rely on to show those limits?—The uniform usage and practice.

4190. You have mentioned an inquest in the reign of Edward the 1st, and an inquest during the time of the Commonwealth, and the jurisdiction of the Court of Passage to arrest on both sides of the river, is there anything else which you rely on to show the limits of the port?—I put in various extracts from our record books, showing the exercise of our rights at Wallasey, Formby, and other places, and orders given in respect thereof, in the seventeenth century at all events.

4191. Do you show the exercise of the rights by the records?—Coupled with other circumstances, I think they show that the Corporation of Liverpool at that time were exercising the rights. They were appointing water bailiffs 300 years ago, and giving orders to the boatmen at Wallasey, Formby, and other places.

4192. You allege the entries in your own records; that is another ground?—I do not mean to say that those are matters which would be strict legal evidence in a court of law.

4193. But they are matters of fair presumption?—I think so. Looking at old records of that antiquity, when there could be no object, as far as we know, to make false entries, unless it is presumed that the books were wilfully falsified in anticipation of this question.

4194. You have confidence in the ancient records of the town of Liverpool?—I have.

4195. Are you not of opinion that, in those times, people were in the habit of manufacturing evidence for themselves?—No.

4196. Do not they ever put forward knowingly false evidence or false claims?—It is not within my knowledge; they may have put forward mistaken claims.

4197. Mr. *Watson.*] I think you read an entry this morning with respect to beating the boundaries?—Yes.

4198. That was in 1671?—Yes.

4199. *Chairman.*] The boundary then, as I understand, was a less boundary than the present municipal borough?—Yes, it was a less boundary than the present municipal borough, that is, the present municipal boundary so far as regards the land boundaries.

4200. Mr. *Watson.*] Will you read that extract from the ancient records of the corporation which gives the boundaries of the river?—"Our liberty at sea "to arrest within the flood-mark, is on both sides of the river of Mersey, as far

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" upward as the same flows, with custom or toll on either side of the river, with " other usual privileges of the river."

4201. *Chairman.*] What year is that?—1671, the year in which the corporation entered into an agreement with the Molyneux family for taking the lease for 1,000 years, the lease itself being dated in 1672; but they entered into possession in 1671, under an agreement for the execution of that lease; and I mentioned it this morning, for the purpose of showing that the inference which Mr. Lowe, the gentleman who brought this forward at the municipal inquiry, drew from it, is incorrect: " This seems to have been made for the purpose of " originating some right; the date is before the lease from the Molyneux family, " which was in 1672." I say it is much more probable that, having agreed to take this property for so long a lease as 1,000 years, and being put into possession of it under an agreement for that lease, they recorded their boundaries for the purpose of showing what they were about to have.

4202. Do not you find them using the word " liberties " before?—Yes.

4203. At a time when they were lessees from year to year of the Molyneux family?—Yes.

4204. Do you think that what the Corporation of Liverpool entered on their books in 1671 can explain what was in the possession of King Charles the First in 1628?—No.

4205. That is the question I am putting; what King Charles the First had to grant?—We have put in also ancient leases and documents, showing what the Crown had before; amongst them there is a mandate from King Henry the Eighth, that he and his progenitors time out of mind had been accustomed to receive the profits of the town; but the words are much more extensive than that.

4206. What are the words that you intend to rely upon?—There are no words in that mandate which describe what the tolls were, but they say the Crown has been entitled to tolls: " Where information is made unto us on the behalf of our " farmer of our toll within our said town of Liverpool, that whereas we and our " progenitors time out of mind have had and used to have the tolls and customs " of all merchandizes there brought or sold, or thither brought to be uttered and " sold, except only of the mayor and burgesses abiding and dwelling in the said " town."

4207. The question is, to what extent and over what ground; I ask you for some proof of the extent of this right. There is no doubt about the town of Liverpool; I do not the least question it?—So far as we can trace by living memory, the rights exist; I can only state, that upon a former trial it was proved that persons had paid these dues in respect of goods over the Mersey, some of the witnesses carrying the date back 70 years within their own personal knowledge.

4208. That would be good evidence, if Charles the First had made his grant subsequently to it. I want you to show what King Charles had; that he granted something to the town of Liverpool, nobody will dispute; I merely want to know the *quantum*?—I have given you what we claim as the *quantum*.

4209. You have shown, in one case, that a coroner's inquest was held upon a man drowned in Birkitt Pool, or what is now called Tranmere; you have given an inquisition upon a wreck, to show that Crosby was in the Port of Liverpool; is that all the evidence you can give of the limits of the Port of Liverpool?—I do not say it is all I can give.

4210. I ask you what more evidence you can give?—I do not think it is necessary to produce more to prove that the statement that the grant was confined to the town of Liverpool is erroneous. We show long before that, the Port of Liverpool extended beyond the town; and we show that, as any place has been established for trade, there the dues have been received; for instance, Runcorn, and other places.

4211. Mr. *Watson.*] Do not you know this, that if you produce an ancient charter with any term you like in it, and you prove user for 20 years', 30 years', 40 years', or 50 years' back from the present time, that is evidence, if it is uncontradicted, that it existed from all time?—I would rather quote other words than my own. When the question of the Manchester manorial tolls, in the case of Moseley against Walker, was before the Court, the question was to what extent the lord of the manor was entitled, and Mr. Justice Bayley made use of these words: " But the exclusive right claimed may by law exist, and the question was " whether

" whether upon the evidence the franchise of the plaintiff entitled him to that " exclusive right. Of that there was abundant evidence; for where there is a " grant of a franchise, the exercise of the right under the grant is evidence of the " nature and extent of the right of the grantee."

4212. Do not you know that there is a case which the Court of Exchequer sent back, because the judge did not give sufficient weight to present user in expounding ancient documents?—I recollect reading a case of that description.

4213. *Chairman.*] According to that view, I suppose you could do just as well without the grant of King Charles as with it, because you have the long user?—I did not say that.

4214. It is of no use?—I did not say that; I put in the grant, and then show what has been used and accustomed to be enjoyed under it.

4215. You have given us no evidence at all, as I understand, except modern user of the limits of this port?—Except the documents I have put in.

4216. I am not aware that you have given any evidence, except modern user. Granting, for a moment, that the limits of the port go beyond the town of Liverpool, how do you show that they go to the precise points which you have described?—I have shown by a document, by Mr. Sandford, that in his view the Port of Liverpool extended to the Red Stones in Hoylake; he was the Surveyor-general of Customs.

4217. That is the customs port?—Yes; he is describing the limits of the port of Liverpool.

4218. I suppose you are aware that the customs port and the ancient port are two distinct things?—They may have been.

4219. Are you aware of the case of Bourne *v.* the Corporation of Kingston-upon-Hull, in which that point was expressly decided?—I do not recollect that case; I do not mean to say that the ancient limits of the port are necessarily the same in all cases with the customs port.

4220. The customs port is a later thing, is not it, generally?—Generally later.

4221. For the purpose of general government and convenience?—Yes.

4222. Then still I return to ask you what evidence do you produce to show the exact limits of this port; is there anything except modern usage?—I do not know what you term "modern usage." In the Dock Act of Queen Anne there is a recital that the port of Liverpool extends from the Red Stones at Hoylake to Warrington and Frodsham Bridges.

4223. That is copied, I think, out of the Customs Act?—It passed Parliament in that form, I presume, upon evidence of some sort; it shows what were the views of the parties at that early period.

4224. I believe there has been no great backwardness in the Corporation of Liverpool to assert these rights?—I think very properly they have always guarded their rights as well as they could.

4225. Mr. *Watson.*] Is there any period of time when it can be proved that there was an exercise of these rights other than modern user?—I do not know of the existence of any such evidence.

4226. *Chairman.*] Will you be good enough to turn to page 268 of the proceedings before the Corporation Commissioners, and read the passage about a third of the way down the page, commencing with the words "In " the reign of Charles"?—"In the reign of Charles the Second a commission " was issued by the Crown, of which I have procured a copy, directing certain " gentlemen to ascertain, for Custom-house purposes, the boundaries of the dif- " ferent ports throughout the kingdom; that commission is dated 19th July, " 32d Charles the Second. It recites an Act passed in the 14th year of the then " King, intituled, 'An Act for preventing Frauds and regulating Abuses in our " 'Customs;' and also an Act of 1st Elizabeth, directing that no goods should be " laden or unladen, except at certain places to be appointed as therein mentioned; " and it directed the commissioners, namely, the mayors of Chester, Beaumaris, " Carnarvon, Liverpool, and Lancaster, and Sir Peter Pindar and others, to ascer- " tain the boundaries of the ports therein mentioned, and fix places for lading and " discharging goods. It then states that by reason of the alteration of rivers, " streams, channels, that commission had issued for defining what the boundaries " should be, and recites that Chester was a principal port, and that Liverpool was " one of the members thereof; that Liverpool, up to that period, therefore, was a " member of the Port of Chester; there is the most conclusive evidence; and in " the inquisition, returned in pursuance of the commission, it is stated that five of

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" the said commissioners had, on the 1st November 1680, settled the boundaries " of the Port of Liverpool to be ' from the Red Stones on the point of Werrall, " ' southerly, to the foot of Ribblewater, in a direct line northerly, and so upon " ' the south side of the said river to Hesketh bank easterly.' The line which was " thus drawn for Custom-house purposes from ' Redstones' to ' Ribblewater,' is " a line from Redstones, which is Hoylake, to the mouth of the Ribble."

4227. Then it appears that the commission under which the Customs port was formed, recites the very commission under which I believe the port at present is formed; " that Chester was a principal port, and that Liverpool was one of the " members thereof"?—For fiscal purposes, there is no doubt that Liverpool was, at one time, a creek of Chester; but the question of the extent to which those commissions were available for the purpose of testing the right, was brought before the court in the case of the Corporation of Exeter *v.* Warren, and the court said that no such commission as that could define the ancient limits.

4228. So that that commission is valueless for defining the ancient limits?—I stated before that it seemed to me quite as probable that they put down the ancient limits under that commission as that they put down new limits.

4229. Your position is, that time out of mind, the Port of Liverpool has been coincident with those limits; I mean the port in which the right to levy town dues has been exercised?—Yes.

4230. But that those limits were first established for Customs purposes in 1680?—Under this commission. There was a port at Chester long before the issuing of that commission, as we have shown.

4231. So that Chester has been the Customs port over the Port of Liverpool; is that your position?—It appears to have been so at one time.

4232. Originally the Customs port and the old port were the same, were not they; the receipt of customs dates back about to the reign of Edward the First, does not it?—I cannot answer how that would be.

4233. I again ask you what evidence do you give me of these limits; we have got rid of the commission; that is not it. Admitting that the port is larger than the old pool which was filled up, what evidence is there of those limits prior to the time of Charles the First?—I am not aware that they are so precisely defined as they afterwards appear. I cannot produce any document that I am aware of, which shows that the very precise limits you have mentioned were ever defined in those old towns. It does not follow that they were not perfectly well understood.

4234. Mr. *Watson.*] And it does not follow that a great many deeds and documents may not have been lost in the course of time, such as inquisitions and other things?—It may be, that such things have been lost.

4235. *Chairman.*] What I should like to have is some evidence of collecting these dues over the river by the Crown, and its lessees before the grant?—It appears from our books, that they were collected at different places. We have entries about Bootle Bay and other places. As those places were used for importing and embarking goods, the dues were collected.

4236. Crossby, I think you said, was a part of the Port of Liverpool in the time of Edward the First?—Yes.

4237. I think in the reign of Queen Elizabeth, you have an entry about Bootle Bay, which lies nearer to Liverpool than Crossby?—Yes.

4238. You think that does not afford any inference that Bootle Bay was not in the Port of Liverpool when it was necessary to make an entry, in order to charge goods landing there?—I should say not. Those entries appear to be more in the nature of instructions and orders to the officers, whose duty it was to collect the dues.

4239. If you will refer Lord Hale's *De Portibus Maris*, at page 49, you will find that he enumerates Frodsham as in the Port of Chester?—Yes; and Sanchbridge in the Port of Liverpool.

4240. How do you explain that? You are aware that that is a posthumous work of Lord Hale's. He died in 1676?—I cannot give any explanation of it.

4241. Will you have the goodness to turn to the proceedings before the Municipal Commissioners, at page 286; there is an entry that you read this morning, in 1658, reciting a difference " betwixt the officers of the Customs in Chester and " Liverpool, as above said; in that, they of Chester did interrupt and hinder them " of Liverpool of their ancient liberties on Cheshire side, but the whole matter " being

" being treated of and referred by both of them, the 29th day of October 1658, " to Mr. Samuel Sandford, Surveyor-general for the Customs and Excise, he did " declare and conclude that the liberties of Liverpool do reach unto the accus- " tomed place on the further side of the Redstones, and advised that the Corpo- " ration of Liverpool should set a mere stone there to divide the said liberties, " and that all goods there landed shall pay customs to the officers of the Custom- " house of Liverpool, and so consequently towns duty." What do you understand by the meaning of the words " so consequently towns duty?"—I stated this morning that my impression was that this entry was an entry by the corporation themselves of a proceeding by them on their own books. On referring to the original document I find that it was a sort of report made by Mr. Sandford, entered upon the corporation books, and signed by him. It does not emanate from the corporation itself, but from Mr. Sandford.

4242. Do you accept the inference that fixing the Customs port did carry with it the right to the town duties?—No; I do not think it would alter the original right in any way.

4243. Then those words have no effect?—They have the effect of showing what Mr. Sandford, at that time a high officer of the Government, thought were the rights of the parties. I do not know that it is capable of being pressed any further than that.

4244. It is pressed to this extent, that he thought having fixed the customs port of such a particular size, that carried with it the right to the town duties?—It does not appear that he fixed the port; he merely regulated as a customs officer a dispute which had arisen as to what boundaries the officers of the two ports should exercise their duties to.

4245. Then he thought consequently upon that followed the right to take town dues within those limits?—He adds these words, " and so consequently towns " duty," showing what Mr. Sandford's opinion was, that that was the limit or district within which the Corporation of Liverpool were entitled to the town dues.

4246. Would it not have been more logical, if your view is correct, to say, the town duties are collected within such district, therefore we will make the port accordingly?—I should have no objection to receive the entry in that way.

4247. Is it not quite clear that this entry goes upon the principle that the Custom port which had just been determined does furnish the limits for the town dues?—If I am allowed to interpret that document, it would mean the same thing. Mr. Sandford found the ancient port extended down to the Red-stones at Hoylake, and he makes that entry, treating it as a matter of course that the town dues were payable.

4248. The word " consequently " does not mean consequently?—I did not say so.

4249. What does it mean?—If the words are to be used as meaning consequently upon the Customs port being established, I say they have no such meaning, because the creation and extension of the Customs port, as I said before, would not interfere with the original right.

4250. At the time those words were introduced in 1658, the Corporation of Liverpool were lessees from year to year of the Molyneux family, were not they?—In 1658 they were lessees from year to year.

4251. Therefore the right to take the town dues was entirely independent of any question as to the Customs port, was not it?—They would be entitled to town dues, according to the boundaries and extent of their lease.

4252. As long as Lord Molyneux permitted it?—Yes; to the extent of their lease they would be entitled to receive them.

4253. You do not see in that entry any indication of an attempt to manufacture evidence?—I should be very sorry to suppose that a gentleman who held the office of principal Surveyor of Customs and Excise, not being an officer of the corporation, would come and forge a document to suit the purposes of the corporation.

4254. You are aware that Liverpool was considered a martyr to the Parliamentary cause in the Civil War?—Yes; I fancy Liverpool suffered like other places.

4255. It suffered with peculiar severity, or claimed to have done so, did not it?—It did.

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4256. I now ask you to refer to No. 43 in the Appendix to your evidence. You will find about half-way down there is a document of the 35th year of the reign of King Edward the 3rd?—Yes.

4257. It says that the navy "be sent with all speed to the Ports of Liverpool and Chester, and the other ports interjacent"?—Yes.

4258. What do you understand by that?—I do not know what ports they could have been.

4259. Could there be any ports interjacent, if the port of Liverpool extended as you say?—Not if the port of Chester came up to the Red-stones at Hoylake.

4260. Is there any pretence for it?—I never heard any pretence.

4261. Is not that some evidence that the port did not extend quite so far as you state; you have given in evidence the creation of the Duchy of Lancaster?—I put in the patent creating the Dukedom of Lancaster.

4262. I understand it to be your opinion that the Port of Liverpool passed to the Duke of Lancaster on his creation; is not that so; the town is granted to him, and the port is granted as an appurtenant to it; it is mentioned that it passed as a part of the appurtenances of the town?—Yes.

4263. Will you again refer to Lord Hale's *De Portibus Maris*, and read the 3rd paragraph at page 55?—"The Earls of Chester had the Port of Liverpoole as "belonging to the county palatine of Chester, and possibly divers other ports "within that earldom palatine, and had their prisage of wines; Close Roll, 40 "Edward 3rd, membrane 22, pro Stephano de Ward, who was there by the king's "writ discharged of prisage, because formerly paid to the king for the same "wines."

4264. The Duchy of Lancaster was granted in the 25th of Edward the 3rd, was not it?—I think so.

4265. At that time, according to your view, the port of Liverpool passed to the Duke of Lancaster?—Yes.

4266. It appears that in the 40th of Edward the 3rd, according to Lord Hale, the port of Liverpool was in the possession of the Earls of Chester; is that so?—It is stated that the Earl of Chester had the port of Liverpool as belonging to the county palatine of Chester, and possibly divers other ports within that earldom palatine. This book from which I am quoting belonged to a gentleman who paid great attention to the subject, and he marks "error" against that passage; what evidence there is of that I do not know.

4267. Mr. *Watson.*] Who was that gentleman?—Mr. Okill, who studied this subject for many years.

4268. *Chairman.*] Was not he the gentleman who first discovered that the title of the corporation was not by prescription, but by grant, and who got up the case in 1833?—He laid the foundation for it.

4269. Mr. *Headlam.*] Was there not some other gentleman who got up your case?—Yes, Mr. Justice Cresswell.

4270. He went through the case?—Every word of it.

4271. *Chairman.*] Are you prepared to show that either this port was not at this time in the Earls of Chester, or by subsequent conveyances came to the Crown?—I think we have traced the property to the Crown.

4272. Not the port; if this is correct, it shows that the Earls of Chester had the port 15 years after the grant of the Duchy of Lancaster?—I have no documents here to answer that statement of Lord Hale's.

4273. It has been said that the Duchy of Lancaster has possessions in the county of Chester, and the case of Halton has been alluded to; is there any other place you can mention?—I believe there are several other places.

4274. Halton is not on the seashore, is it?—It extends to the seashore; at least so I believe.

4275. You say that your port goes beyond the waters of the Mersey, and you speak to the right to arrest on both sides of the Mersey; do you consider that right to arrest to be coincident with the limits of the port?—Yes.

4276. So that where the right to arrest does not go, there the port does not go?—The port goes to where our rights go; we do not go beyond what we believe to be the ancient limits to which we are entitled.

4277. You have produced a document, speaking of the right to arrest on both sides of the waters of the Mersey?—Yes.

4278. Your port extends beyond the Mersey, does not it?—Yes.

4279. I want to know if that right to arrest is evidence of the extent of the port

port which you claim?—The right to arrest has been exercised through the sea channels to the limits of the port. *W. Shuttleworth, Esq.*

4280. To Southport, for instance?—I do not know as to Southport; but persons have been arrested on board ships going down the channels when they have been beyond the mouth of the River Mersey. 19 June 1856.

Lunæ, 23° die Junii, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Lord Hotham.
Mr. Milner Gibson.	Mr. Beamish.
Mr. Headlam.	Mr. Duncan.
Mr. Hardy.	Mr. Fenwick.
Sir John Duckworth.	

THE RIGHT HON. ROBERT LOWE, IN THE CHAIR.

William Shuttleworth, Esq., called in; and further Examined.

Witness.] PERHAPS you will allow me to explain, in reference to the printed copy of the bill of exceptions you referred me to at page 28 in the book where the word "Borough" occurs, upon referring to the original deed I find it is "Lordship." Perhaps with regard to the bill of exceptions you will allow me to state that I had it examined with a copy I had in London, and I find several discrepancies between them. I then sent down to Liverpool for any copies there might be there. I received two; one of them is the draft settled, or at all events I do not know whether it was entirely settled by Mr. Justice Cresswell, the bill of exceptions, as printed here, does not agree with that copy, nor does it agree with any other copy that I have in all respects. In fact it appears, from small typographical errors, not to have been carefully examined at any time. *W. Shuttleworth, Esq.* 23 June 1856.

4281. *Chairman.*] Is there any other material difference?—I do not know of any other material difference; I am now getting a copy made, as settled by Mr. Cresswell, I will put that in when it is completed.

4282. Can you give the Committee a copy of the shorthand writer's notes of the trial in 1833?—Yes.

4283. You put in on the first day of your examination three leases, No. 22, No. 23, and No. 24, upon all of which the same rent is reserved, namely, 14 *l.*; is not that so?—The first is to Robert Orrell.

4284. What is the rent for that?—£. 14.

4285. And the second?—The second is, to Edmund Crosse, 14 *l.*, and 2 *s.* of increase.

4286. The third is to whom?—The third is to Henry Crosse, "16 *l.* of lawful "money, that is to say, for the town or lordship aforesaid, with the appurtenances "14 *l.*, and for the said mill called Ackresmylne, 20 *s.*, and for the other mill called "Wateremylne, 20 *s.*"

4287. By the first of these he rents I think the town or lordship, does not he?—The town or lordship of Liverpool and its appurtenances.

4288. In the second he rents "a certain town called Liverpool, in the county of "Lancaster," and also two windmills, and so forth?—Yes.

4289. In the third there is "demised, and to farm let to Henry Crosse, gentle-"man, the town and lordship of Liverpool"?—Yes.

4290. So that the first is the "town or lordship," the second is "the town," and the third "town and lordship"?—They are so described in those leases.

4291. The same rent is reserved in them all?—Yes.

4292. Does not the inference arise from that, that the town and the lordship is the same thing?—I do not know; it appears to me that in ancient times much shorter descriptions of parcels were used, and all that was conveyed was subsequently mentioned more in detail.

4293. In this lease where the town is let, do not you imagine that as much was conveyed as in the one that let the town and lordship?—What would be the legal effect of that construction, I cannot say.

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4294. Is not the customs port within which Liverpool levies its town dues, surrounded by a number of manors?—On both shores there are manors.

4295. There is the manor of Liverpool to begin with?—Yes.

4296. There is the manor of Hale?—Yes.

4297. The manor of Speke?—I believe Speke is a manor.

4298. The manor of Eastham, to go on the other side?—I do not know whether that is a manor.

4299. The manor of Bebbington?—I do not know whether that is a manor.

4300. The manor of Tranmere?—I do not know whether that is a manor.

4301. Birkenhead?—I do not know whether that is a manor.

4302. Northmeolls?—I believe Northmeolls is a manor.

4303. And a number of manors surrounding it?—Yes.

4304. I would refer you to the evidence given before this Committee by Mr. Part, Question 3608, will you have the kindness to read that. "That is "within the customs port of Liverpool?—That is within the customs port of "Liverpool. I have in my possession a copy of a translation of a grant of "inspeximus in the reign of Henry the Eighth of grants made to the lords "of that manor, and amongst other things the shore and the harbour are "granted." Then Mr. Part is asked, "What are the terms of it?—That they have "inspected and thoroughly read all and singular, the privileges, concessions and "donotations conceded to Richard Aghton, esquire, and to his heirs for ever by the "most powerful Prince William the Conqueror, then king of England, and also all "the confirmations of all kings from the time of King William the Conqueror, "together with the confirmation of the most illustrious and greatly to be dreaded "Prince and Defender of the Faith the last King Henry, the Eighth of that name, "the powers of which privileges, possessions of land, and all and singular the "harbours within the domain of Richard Aghton, esquire, aforesaid, as well by land "as by water and sea, namely, from the Cross to le Hose, in the town of North "Mylls, as far as Snotterston (those are two places well known), and so to a distance "at sea as far as one can see towards le Humber Barell, in the county of Lancaster, "and also from tenants and other men, and all and singular within the said liber-"ties, were and are fully free from all kinds of jurisdiction and power of the Admiral "of England, and of his officials whomsoever."

4305. With regard to that you observe that William the Conqueror grants a harbour within the port which you claim?—I do not know what harbour he refers to.

4306. It is "Within the domain of Richard Aghton"?—I am not aware of any harbour that existed there at all.

4307. Will you be good enough to turn to 3617, and read what is there said?—"Chairman.] Did you hear Mr. Schneider say that the Crown had resumed a "right of anchorage enjoyed by his father-in-law, would that be in contravention "of the claim set up to the rights of Liverpool? Yes, I understand that "Mr. Price claims to be entitled to the shores of Birkenhead, I know that "keelage is claimed, and in some instances paid to the lord of the manor of "Tranmere and Bebbington."

4308. Would that be in derogation of the rights claimed by the Liverpool Corporation?—No, I do not know that it would.

4309. Do not you claim keelage over Tranmere and Bebbington and Birkenhead?—Yes, there may be a peculiar privilege attached to each of those manors; assuming that to be so, I am not prepared to say that that is at all inconsistent with the rights of Liverpool.

4310. There might be two keelages or anchorages to pay?—Yes.

4311. Has not the Corporation of Liverpool been purchasers of land from Mr. Price?—Yes.

4312. I presume you are cognisant of his title; have you had it before you?—Yes.

4313. Will you have the kindness to look at that, and read it to the Committee—(*handing a Paper to the Witness*).

[*The same was read, as follows:*]

"The King by his letters patent of 36th Henry 8th, 1545, granted unto Ralph Worsley, "all the lordship and scite of the late priory of Byrkenhead, in his county of Chester, sup-"pressed and dissolved by authority of Parliament; also, all his houses, edifices, mills, barns, "stables, dovehouses, gardens, orchards, gardens, lands, and soil whatsoever, as well within "as without, and near or nigh the scite, amburt, circuit, and precinct of the same priory; "and all the fish-yards; and all the ferry and the ferry-house, &c. And all the profit of "the same with all and singular their appurtenances situated and being in Byrkenheade and Bydeston

" Bydeston, and in Kyrkeby Walley, otherwise called Wallasey, in his said county of Chester, " to the said late priory, lately belonging and appertaining and parcel of the possessions " thereof, lately being and in the hands, culture, and proper occupation of the same late " prior, being at the time of the dissolution of the same late priory. And all those his " lordships and manors of Claughton and Wolton, with every of their rights, members, and " appurtenances in his said county of Chester to the said late priory, lately belonging and " appertaining and being parcel of the possessions thereof; and after enumerating various " rents and tenancies; also, all and singular messuages, granges, mills, lofts, cottages, lands, " tenements, meadows, feedings, pastures, commons, wastes, heaths, furzes, marshes, woods, " underwoods, waters, fisheries, passages, rents, reversions, services, courts leet, view of " frankpledge, chattles, waifs, estrays, free warrens, and all other his (the King's) rights, " profits, commodities, emoluments, and hereditaments whatsoever, with the appurtenances " in the vills, fields, parishes, or hamlets of Birkenhead, Claughton, Walton, Tranmole, " Bydestone, and Kirkeby Walley, otherwise called Wallasey in his said county of Chester, " to the said lordships and manors of Claughton and Wolton, or either of them, in any " manner belonging or appertaining, or as member or parcel of the same lordships and " manors or either of them theretofore had, acknowledged, accepted, used, or reputed. And " also all and singular his (the King's) other messuages, lands, tenements, meadows, feedings, " pastures, commons, waters, fisheries, fishings, passages, woods, underwoods, rents, rever- " sions, services, and all other rights, jurisdictions, privileges, franchises, profits, commodities, " emoluments, and hereditaments whatsoever, with the appurtenances in the vills, fields, " parishes, or hamlets of Byrkenhead, Claughton, Walton, Tranmoll, otherwise called " Tranmore, Bydeston, and Kyrkeby Wally, otherwise called Wallasey, in the said county " of Chester, to the said then late priory theretofore belonging and appertaining, or as parcel " of the possessions or revenues of the same late priory theretofore being had, acknowledged, " accepted, used, or reputed, &c., &c. And the King did grant the same as fully, freely, " and entirely as the last prior of the said late priory, or any of his predecessors in right of " that late priory at any time before the dissolution of the same late priory, or before that " late priory came into the King's hands, had held or enjoyed or ought to have held or " enjoyed the same lordship, manors, messuages, lands, tenements, and other the premises or " any part thereof.

" At the yearly rent of 59 shillings and five pence sterling payable to the Court of " Augmentation.

" The rent of 59*s.* 5*d.* reserved by the foregoing grant is paid to this day by Mr. Price " to the family of Mr. Poyntz, they having purchased it from the Crown.

" 30th September,
" 29th Elizabeth.

" By a decree in the Court of Exchequer at Chester, in a suit between Thomas Powell " and Thomas Tutchett, Complainants, and Richard Hulme, Defendant; after reciting that " the Plaintiffs exhibited their bill, stating that Ralph Worsley was seized in fee of the " lordship of Birkenhead, with the rights, members, and appurtenances, and of two parts of " the township of Tranmull with the appurtenances, and of divers hereditaments in the same " townships, &c. and of and in divers liberties to be used and maintained within the manor " of Birkenhead and township of Tranmere; that is to say, free liberty of fishing in the " river or water of Mersey, so far as the same extendeth upon the soil of Birkenhead and " township of Tranmore; the Friday's tide of every Friday throughout the year, called the " Lord's Tide within the same place, the liberty to dig out, and carry away stones, slates, " turfs, gorse, and fern, in and throughout his said township of Tranmore and whole circuit " of the same.

" And also reciting that the said priors had and enjoyed free liberty of fishing, and the " Lord's Tide, within Wallasey Pool and Gonnell Port, and had custom for all fishings; " namely, Keel Toll, Anchorage and Sods, and did use to dig, get stock, and carry away " gorse, stone, slate, and turf, upon, through, out of, and from the said waste and town " of Tranmoll. And reciting that the said Plaintiffs had also proved that the said Ralph " Worsley and his tenants of Birkened and Claughton quietly enjoyed the said lands, common " of pasture, fishings, and liberties aforesaid, without interruption. It was decreed by the " Court that the Plaintiffs should quietly thenceforth hold, have, use, and enjoy the lands, " tenements, liberties, realties, fishings, and common of pasture in Tranmoll aforesaid, " according to the title in the said bill of complaint specified, and in such suit as before " time had been used."

4314. Are you aware of these documents?—I am not aware of this particular document; I am aware that Mr. Price claims through a grant to Ralph Worsley.

4315. You do not remember having seen those documents?—I do not remember having those particular words before me before.

4316. Assuming that those documents are genuine copies, it appears, does not it, that the prior of Birkenhead had a right of anchorage there?—Right of anchorage for fishing boats.

4317. It does not say for fishing boats, does it?—Yes, I think so; and also reciting that the said priors had and enjoyed free liberty of fishing, and the lord's tide within Wallasey Pool and Gonnell Port, and had custom for all fishings, namely, keel toll, anchorage, and sods.

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4318. You mean that they had a right to take toll for all fishings?—It may be so.

4319. That is granted by the King to Ralph Worsley, under whom Mr. Price claims?—Yes.

4320. Do you think that that is consistent with your general claim of anchorage over that very ground?—I do not see that it is inconsistent with the lord of a manor having a right.

4321. Do you know whether that is ever acted upon?—I do not know.

4322. Will you have the kindness to refer to Question 3481, Mr. Schneider's evidence, and read what is there said, about six lines from the end of the answer?—" I consider that there is no more title to compensation in that case than in the " case of my father-in-law, who having the manor of Seacomb, and having quite " as old a title as the corporation of Liverpool, was deprived by the Crown of his " right of anchorage in Wallasey Pool, and was also deprived of the strand between " high and low water-mark. The north reserve, which was upon a part of his " property, which he considered his own, was afterwards sold by the Crown for " something like 160,000 *l.*"

4323. How was he deprived of it?—I remember on the occasion of the first Birkenhead Bill, in 1844, that the Crown disputed that Mr. Smith, the then lord of the manor, had any right at all there; they disputed his manor, I believe.

4324. The Crown has resumed it to themselves?—Yes.

4325. Is that right consistent with your claim to have it granted to you by Charles the First?—I never heard of anchorage being claimed at Seacombe before.

4326. Claimed by Liverpool?—Claimed by Mr. Smith. The question there was as to his right to the foreshore.

4327. Supposing anchorage was claimed, seeing that the Crown has got it into its hands, would that be consistent with what you set up?—I do not think that any of those manorial rights were inconsistent with our claim.

4328. Will you refer to page 270 of the report of the proceedings before the Municipal Commissioners, and read a passage, about the middle of the page, which commences " In a manorial case?"—" In a manorial case I had to try some time " ago, respecting the right to the shore on the opposite side, at Seacombe, it was " given in evidence that a gentleman, professing to be lord of the manor, claimed " and was in the habit of receiving anchorage dues for vessels lying on his side of " the river. This fact I merely state for the purpose of applying it to the attempt " lately made to extend the jurisdiction of the Liverpool Corporation over what are " called, by the Dock Act, 'the waters of the Mersey.' Mr. Foster referred you to " one of the Dock Acts (the 39th George the Third, I think), which stated the Cor- " poration to be the owners of the port. Of this you have a copy, and by referring " to the 70th clause I believe you will see that it assumes this right. These words, " 'of which the said corporation are owners,' seem to have dropped from the " clouds. There is nothing whatever to justify the assertion that they were owners, " as contended for. On the late trial Sir James Scarlett wished to put in that Act " as evidence of ownership, but this, of course, was rejected by Chief Justice Den- " man as being no evidence at all against the public."

4329. He seems to have given a false reference, there is no such section in the Act; I suppose there is a section corresponding to it?—I know those words do occur in some one of the Dock Acts; I see that is the evidence of Mr. Lowe; I should state that he obtained all the extracts from the corporation records which he quotes previous to the trial in 1833, and had them in his possession at that time, and there were none of them produced.

4330. Can you account for the introduction of those words " of which the said corporation are owners, " are they the owners of it?—I believe they are the owners of the port.

4331. With regard to Hale; do you know who is the lord of the manor of Hale?—I think Mr. Blackburne.

4332. Does not he take anchorage of 4 *d.* for every ship that anchors within the jurisdiction?—That is not within my knowledge.

4333. You do not know that he does not?—No.

4334. Does not he appoint a coroner, who exercises jurisdiction over persons drowned in certain parts of the Mersey?—I do not know; I never heard of any inquest being held.

4335. Do

4335. Do you know anything about the origin of the manor of Hale?—No, I am not acquainted with it.

4336. You do not know whether it dates as far back as the Liverpool Corporation?—I do not know anything of that.

4337. You never heard of his exercising any jurisdiction?—No, not within my own personal knowledge. I do not say that he does not.

4338. The same with regard to Garston; that was once vested in the corporation, was not it?—They had property at Garston at one time; a great many years ago.

4339. They resold it; do you know when?—They resold it; I forget at what period.

4340. It is about 1780, I am informed; in that conveyance, did they convey the manor or lordship?—I never saw the conveyance, or any of the papers relating to that transaction.

4341. Perhaps you can refer to that also; do you know whether any manorial rights have been exercised at Speke or Eastham?—I am not aware.

4342. You have put in a great number of deeds; can you tell me any of them in which the port of Liverpool is mentioned; it is mentioned in the Inquisition of Edward the First in 1292; but where else?—In several of those mandates the words are "port of the town of Liverpool."

4343. It is spoken of with regard to Chester, as we saw the other day, with interjacent ports?—Yes, that word is made use of.

4344. Do any of those deeds or charters mention the port?—No, not that I am aware of.

4345. Was the port of Liverpool claimed by the Corporation of Liverpool on the trial before Lord Denman?—I believe it was.

4346. Are you sure of that?—I believe so.

4347. When you put in the proceedings at the trial, will you be so good as to point out to us any portion of the speech of your leading counsel in which he claimed the port on behalf of the Corporation of Liverpool?—I will not pretend to say it is so; I am merely speaking from my recollection.

4348. With regard to the case of the Mayor of Exeter *v.* Warren, which you cited, in which I think you said that all the questions which were raised in this case were raised, reported in 5th Queen's Bench Reports; do you consider that the whole of the questions that arose in the Liverpool case were raised in that case?—All the material points, I think.

4349. We will take the first; it was conceded, I believe, on both sides in this case, that the port of Exeter was the Corporation of Exeter's?—Yes.

4350. It was no matter of argument; it was agreed by counsel on both sides?—It was agreed that they had something.

4351. That they had a port of Exeter?—Yes.

4352. Is that the case here; is not one of the points you have to establish (I do not say whether you have established it or not), which is not, and never has been agreed, that the port is in the corporation?—I thought you yourself, the other day, admitted that the corporation had something; the question was, what was the extent of it.

4353. I admit that they have some custom, because it is expressly granted; they could have the custom without the ownership of the port, could they not?—Possibly they might.

4354. Admitting that they have some custom, does not admit that they have the port; that is the very point in dispute, is it not?—If you refer to page 774 of the 5th Queen's Bench Reports, the words under which the citizens of Exeter hold the port are quoted, and there are no words there to convey the port.

4355. It is admitted on all hands that they do convey it; that was not a matter of contest in this suit?—It was admitted that they had a port. The judgment goes on to say, "that this right of the Crown" (that is the right to create a port with petty customs) "was exercised at some very remote period, and a port created, of which Exeter was the *caput*, cannot now be disputed."

4356. It was no matter in contest at the trial?—I do not know how that was.

4357. Do you find either of the counsel dispute it?—No, not that there was something.

4358. It was a question of *quantum*, was not it?—I think it was.

4359. Does not that strike you as some sort of difference. There is another difference.

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difference. The point in contest in the Mayor of Exeter *v.* Warren, was whether dues were paid at Teignmouth?—Yes.

4360. It was not as to the general limits of the port of Exeter, but as to whether one specific part was within it?—Yes.

4361. They produced evidence showing that the dues were paid at Teignmouth?—They produced evidence that they had been paid at Teignmouth. They produced a lease of them, including Teignmouth.

4362. From a very early period?—Yes.

4363. It does not appear how early. Will you refer to page 774, and be so good as to read what occurs five lines from the bottom of the page?—"None of "these were signed by the receiver; from the reign of Elizabeth downwards, but "not earlier, they appear to be signed by the auditors."

4364. That shows there was evidence of the exact point in dispute given earlier than the reign of Elizabeth in this case, does not it?—"From the reign of Eliza-"beth downwards, but not earlier, they appeared to be signed by the auditors."

4365. That means there was evidence given before the reign of Elizabeth, not signed by the auditors; that is the clear construction, is not it?—Yes; they appear to have had entries before the reign of Elizabeth.

4366. Then the point in contestation was, as you say, payment at Teignmouth?—Yes.

4367. Now the point in contest here is not the payment at any particular place, but the limits of the port?—One of the points at the Liverpool trial was, whether they were entitled to dues beyond the town of Liverpool; and goods were landed on the Cheshire side and at Runcorn, to try that right.

4368. I am not speaking now of the trial, I am merely speaking of the applicability of this case to what you have produced; you have produced the title, have you not?—Yes.

4369. That title is intended to show that Liverpool possesses the port, with the limits within which it now collects town dues?—Yes.

4370. I want to know whether you have produced, or claim to have produced, any evidence showing the limits of that port to anything like so early a date as the evidence in the case of the Mayor of Exeter against Warren?—I think we show at the time of Queen Elizabeth, or about that time, orders made in 1560 in relation to matters of appointment of a water bailiff, and orders made in relation to the bounds of the port of Liverpool, which are beyond the town of Liverpool.

4371. You do not show the limits of the port?—No.

4372. When did you first give any evidence to fix the limits of the port which was passed under the grant?—I do not know that they are clearly defined in any documents until that document establishing the Custom-house port which was referred to.

4373. There is a third distinction, I think, in the Mayor of Exeter *v.* Warren; there was no question with respect to the imposition of dues upon new articles?—No.

4374. There is in this case?—There was at this trial.

4375. That is a third difference; you say in the Teignmouth case there was no evidence whatever to show anything against the title; no contradictory user?—No; there was no evidence at all, I think, on the other side.

4376. Nor was there in your case?—Nor was there in our case.

4377. But there is apparently something like a contradiction by user of the rights you claim, is not there; at any rate, a question arises upon it?—Mr. James Lowe, the gentleman whose evidence before the Municipal Inquiry has been so frequently quoted, was in possession at the time of the trial of all that evidence, and he did not call any witnesses.

4378. Whatever it may be worth, is there any such evidence?—I am not aware of the evidence.

4379. You do not consider the lists which I have been showing you this morning evidence inconsistent with the claim of the corporation?—I do not consider them inconsistent with the right of the corporation.

4380. Now we will pass, if you please, to the question with regard to the imposition of those duties. You claim duties as owners of the port of Liverpool, and you claim them, I suppose, that they arise from the creation of the port, do not you?—The creation of the port, with the petty customs.

4381. That is, that the dues were created, I suppose, when the port was created?—Not necessarily dues then created, but dues upon all articles exported or imported.

4382. You have a certain right which you claim from the Crown?—Yes.

4383. When do you think the Crown created that right?—I do not know; when the port was created.

4384. The King created the dues at the same time that he created the port?—We have them mentioned in the time of Edward the First.

4385. I presume the King created the right at the time when he created the port, whatever the right is?—Yes; probably the right to create petty customs would follow with the right to create the port.

4386. Or port dues, as they are called?—Yes.

4387. You find in the case of the Mayor of Exeter it is argued both ways, do not you?—Yes; the decision is, "it is a part of the *jus regale* or royalty of the "Crown of England originally and *de novo* to erect public ports in this kingdom."

4388. Therefore when the King erected the port of Liverpool, he created those rights which you now claim as grantees from him; that is your evidence, I presume?—Yes.

4389. I want to know what it is you claim that he created when he created the port. When the King created the port of Liverpool, what was this right which he created at the same time?—We claimed to receive petty customs, which were then payable to the King if he held the port himself, or to his grantee if it had been granted.

4390. What do you consider those petty customs to have been?—A due upon all articles imported and exported.

4391. That will hardly support your claim, will it?—Not if you mean to confine it to articles then in existence.

4392. A due upon all articles imported and exported would not authorise what you do, would it?—I think so.

4393. You do not claim to tax all articles exported and imported as such, but to tax them specifically?—We tax all articles imported and exported.

4394. You do something more, do not you; supposing that the King had granted you so much a ton upon all articles imported and exported, that would satisfy what you set up, would not it, because everything has weight of some kind or another, so much a ton, or pound, or some measure?—Certainly.

4395. That is not what you claim?—We claim upon the package.

4396. You claim to tax articles differently, according to their nature?—Yes.

4397. You tax a ton of salt differently from a ton of iron, do not you?—Yes.

4398. Do you think that would be supported by a right to tax all articles imported and exported?—It was supported in the trial which we had.

4399. Can you give the Committee any legal authority for that proposition?—There is the right in the Crown to create petty customs.

4400. I do not dispute that, but I want authority for the proposition that the Crown could grant a right to tax specifically *de novo*, from time to time, all articles imported and exported, according as they arise; is there any such authority?—The authority I have here, that point having been raised upon our trial. Lord Denman said, "Why, on that we can only say that the grant of town duties, "or of port duties at all, would be of extremely little value if it were only confined "to articles that existed in specie in former times; we know the great majority of "imported merchandise has been introduced in modern times, and it appears to "me, if the port duties were granted and have existed during that long period of "time, then they may be taken to apply to such new articles as come into or are "exported from the port. And the best mode probably of settling what shall be "paid, would be by a concurrence between the receiver and the person liable to "pay, and that by an assimilation, as nearly as they can assimilate, to the nature "of the thing described."

4401. Is that the only legal authority which you can give the Committee for such a claim?—I think there is no question at all about the right of the Crown to create ports, and the right of the Crown to create petty customs. The question is, What are those petty customs? Lord Denman described them with reference to new articles, that objection having been then raised.

4402. Can you refer to any authority upon the subject?—I can only say in several instances the rights of corporations to levy dues of this sort in ports have been claimed.

4403. Can you point out one case of the kind?—I do not know whether that point distinctly arose, but the Corporation of Newcastle sustained their right at law.

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4404. To levy dues upon all articles from time to time coming into the port?—I am not aware of the particular nature of their claim.

4405. I know that dues are levied all round the coast on certain articles. Your claim is to levy upon new articles as well as upon articles which existed at the time of the creation of the port; I wish to know whether there is any authority for it. Do you suppose that the King granted specific duties at that time when he created the port?—I cannot say that.

4406. You have lists of the articles upon which dues were granted, I think, going up to considerable antiquity?—Yes.

4407. I believe the earliest list is dated 1613?—I think about that date.

4408. Where is there a copy of it?—There is a copy in the Report of the Proceedings of the Municipal Corporation Commissioners.

4409. There are two lists given at the end of the book, but there is no date affixed to them?—I believe there is no date to either of those lists.

4410. There is one dated 1790, and there are two before it; there is a short list and one very much longer?—Yes; it is at page 82, and there is no date upon it. It says, "See Evidence of Mr. James Lowe, pages 247 to 265."

4411. Can you tell me what date it is?—I cannot tell you what date that one is.

4412. Will you be good enough to furnish the Committee with a list of the town dues from the earliest period you possess; from 1613 downwards?—I can give you copies of any lists that I am aware of.

4413. There was one in 1613, which appears to be set out in the Bill of Discovery granted in the suit against Bolton and others?—Yes.

4414. There was one in 1664, and a later one?—Yes.

4415. Do you suppose that the King when he granted these dues did not grant specific dues?—I can give no opinion upon that subject.

4416. You appear in 1613, or at least Lord Molyneux, under the Crown, appears to have claimed certain specific dues, does not he, according to that table, which I suppose we may take as correct?—As I understand the evidence and the explanations which were given with regard to all these tables, that table was taken so far as it went, and when any new article of import was added, it was entered in the books, and from time to time the tables were enlarged to meet the then state of the trade, and that is the course pursued now.

4417. You say that that right was granted to you by the Crown?—Yes.

4418. That is, having got the right to levy certain specific dues, that you have the right to levy more specific dues when the corporation pleases?—I do not say that we have the right in the form of a grant to levy specific dues.

4419. You do not pretend to have the grant, of course, but you show user, and then we are to presume a legal origin for it?—Yes.

4420. We find you in 1613 with the right to levy dues upon comparatively a few articles?—Levying dues upon the articles of import and export at that time.

4421. Then you claimed a right to levy dues upon fresh articles as they came in?—Yes.

4422. Can you find any authority in the law books for that right?—I have quoted to the Committee the opinion of Lord Chief Justice Denman upon our own case; I have no other authority.

4423. Will you refer to Lord Hale's "De Portibus Maris," page 78, and read the paragraph headed "secondly"?—"Secondly, the duties that arise upon ripa "or wharf by prescription. Thus in many and almost all ancient ports are the "duties and tolls above mentioned, viz., cranage, wharfage, housellage, &c., "which are settled by long usage and prescription; and the sums which are to be "paid for the same are limited; and sometimes those remain in the King or lord "of the port, sometimes and most commonly granted to the towns that are the "*capita portuum*, and they become parcell of their farm, as it is at this day in "Newcastle, Kingston-upon-Hull, and other places."

4424. Will you turn to page 84, if you please, and read paragraph with the figure 2 to it?—"There ought to be no new tolls or charges imposed upon them "without sufficient warrant, nor the old enhanced; whereof before in the precedent "chapter."

4425. Will you turn to page 78, and read the paragraph following the one which you before read from that page?—"All that I shall need to add concerning "this is, that the duties settled in ancient ports by prescription ought not to be "inhanced nor enlarged beyond their usual rate or number; for it is part of that

"*jus*

"*jus publicum* that is vested in the commonalty to have their access thither as "freely as formerly was used." "Upon complaint of the inhancing of ancient "tolls and the accroaching of new, in the Port of London by the King's officers, "the answer is—"

4426. It pleases the King that ancient customs shall be observed, is not that what it says in Norman French?—Yes: "And such an accroachment is punish- "able upon indictment by fine and imprisonment; for it was one of the articles "in Eyre, as hath been formerly said, 'de novis consuetudinibus levatis in regno, "'sive in terrâ sive in aquâ et quis eos levaverit et ubi.'"

4427. Do you know what are the articles in Eyre; is there not a commission in justices in Eyre to put down abuses?—Yes.

4428. What was one of the abuses which they were directed to inquire into?—Increasing the tolls.

4429. "De novis consuetudinibus" means not increasing customs, but levying new customs, that is, customs upon new articles; would not that be the true interpretation of those words?—No.

4430. You do not think *novis consuetudinibus* means new customs, but increasing the old customs?—I do not say that; I think there are two descriptions of customs; the old customs meant petty customs, such as we claim, and the new customs were customs subsequently made, and called the "larger customs."

4431. You think the justices in Eyre were to inquire, with the view of punishing, of course, any one who levied a larger custom for the King?—Unlawfully.

4432. Will you have the goodness to refer to the 22d Statute of the 28th of Henry the Eighth, chap. 8, and read section 2 to the Committee?—"Provided "always, That all and singular officers and ministers of every city, borough, or "town, wherein any such custom, tolls, duties, or sums of money shall be demanded, "as is abovesaid, on this side the feast of Pentecost next coming, shall set up, or "cause to be set up, in open place and places of every such city, borough, or "town, a table, or tables, by which the certainty and very duty of every such "custom, toll, and duty, or sum of money of such wares and merchandizes, to be "demanded or required, as is above rehearsed, shall and may plainly appear and "be declared, to the intent that nothing be exacted otherwise than in old time hath "been used and accustomed, upon pain of every city not doing the same to lose "5 *l.*, and every town corporate to lose 40 *s.* for every month that the same table "shall fail to be set up after the same feast; the moity of which forfeiture to be "to the King our Sovereign Lord, and the other moiety to the party that will sue "for the same by writ, bill, plaint, or information, in which action the defendant "shall have no essoign, wager of law, ne protection allowed."

4433. This right which you claim, you claim by usage, do not you?—We claim under the grant, explained by usage.

4434. The King could grant you nothing unlawful, I suppose?—No, I do not suppose he could.

4435. Do not these authorities seem to show that such a grant would be unlawful?—No, I think not.

4436. I will now turn to another question: with respect to the increase of your customs; you told me, I think, that you do not claim to increase the customs now?—No.

4437. Has the corporation never claimed and exercised that right?—There are discrepancies in the different tables.

4438. Was not anchorage 5 *d.* in 1624, and is not it now 1 *s.*, 1 *s.* 3 *d.*, and 1 *s.* 6 *d.*, according to the ship and the voyage?—That is so.

4439. How can the claim which you now make for anchorage be a legal claim?—I cannot explain how the alteration was made, or whether the 5 *d.* was the anchorage received; it will be upon the table as you say; it does appear upon that table at 5 *d.* I cannot state when the alteration took place.

4440. Would not the alteration be necessarily illegal?—I do not think they ought to alter their toll, certainly.

4441. Therefore the whole claim for anchorage seems to rest upon an utterly illegal foundation, unless there is an error in that table?—Unless there is an error in that table.

4442. I will now call your attention to the case of a hamper, which is mentioned at page 252 of the Corporation Report; Mr. Lowe is asked, "Are there "many in which it has been increased"? He says, "I have mentioned one, and

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" there are many others; here is a very extraordinary instance, materially referring " to this question; for every hamper the town dues was 1 *d.*, and in 1674 it was " raised to 2 *d.*, and went back again to 1 *d.*, at which it remains; this is the charge " whether it be a hamper of potatoes or a hamper of wine, though if it were found " to be wine it would probably be charged by the tun."

4443. It appears there that the due has been raised and lowered again?—That may possibly have been from the alteration of the package.

4444. Can you give any explanation of what Mr. Lowe states there?—No; except that Mr. Lowe had this information at the time of our trial.

4445. He had access to good information, if he used it fairly?—He had access to the information at the time of the trial, and he might have brought it before the Court.

4446. Was not that statement made in the presence of the town clerk, who could have denied it, if it had been untrue?—The town clerk was not present during all Mr. Lowe's statement, because he said, as the title was then *sub judice*, he would not go into the question of title.

4447. Did not Mr. Foster make a speech, answering the whole statement, afterwards?—Yes.

4448. I see in the two earliest lists at the end of the book, " Hamper " is not mentioned; hemp is the first article under the letter H; supposing that to be so, would not the due on hampers be gone?—I do not know.

4449. Do you think you could revive it again by going back to the old list?—I think we should be entitled to a due upon hampers.

4450. Here is another similar case with respect to tallow; was not tallow 4 *s.* in 1630?—It was high at one time.

4451. Was not it raised in 1674 to 5 *s.*?—I do not know that. I know it was the subject of composition in 1834.

4452. Will you refer to page 252, and read what is there said by Mr. Lowe with regard to tallow?—" Mr. Statham's extracts, however, which accompany " the case, show the variations in amount, for he says there was originally in 1613, " a rate of 4 *s.* per ton on iron, which in 1674 was 1 *d.*, and in 1790, the same. " The tallow, per ton, originally appears to have been charged 4 *s.* per ton, which " was in 1630, and was increased in 1674 to 5 *s.*; in 1790 it was also 5 *s.*, and so " continued till that memorial was presented; it is now 1 *d.* per cwt., instead of 3 *d.* " In some instances the rates are higher, and in some considerably less."

4453. So that it would appear, according to that statement, that tallow had been raised?—That is the evidence of Mr. Lowe; I do not know how far it is correct.

4454. If it is incorrect, can you point that out to the Committee. Now, with respect to coals, will you turn to page 281, and read what is there said upon the subject?—" In 1611 it is ordered that 'every person not being a free burgess " 'loading coals in the river shall pay 1 *d.* per ton;' the toll is now 2 *d.*"

4455. The toll on coal is still 2 *d.*, is not it?—Yes.

4456. That would appear to be illegal, according to your own entry?—I cannot tell under what circumstances this alteration took place.

4457. Under any circumstances do you claim to have power to raise duties which you once have levied?—No, I do not claim the right to increase or alter the duties.

4458. Here are two articles in which it appears that you have done so, namely, anchorage by your own lists, and coal by your own entry; will you have the kindness just to read from the case of Brune *v.* Thompson in Fourth Queen's Bench Report, page 545, a passage from the argument of Sir William Follett, beginning with the words, "They would look to the nature of the article"?—"They would look to the nature of the article, the duty upon similar articles, the " extent of accommodation afforded by the port, the date of the grant, and other " circumstances. The same mode of ascertaining the reasonableness of a duty on " new imports was adopted at Liverpool, and was established by a verdict in a case " tried before Lord Chief Justice Lord Denman, in which a bill of exceptions was " tendered, but eventually abandoned. (Lord Denman. This would be a difficult " question for a jury, and still more for a judge.) Not more so, than to ascertain " what shall be a reasonable market toll."

4459. Will you turn to Lord Denman's judgment in that case, at page 552, about three lines from the bottom, and read what is there said?—" The question, too,

"too, as to the legality of applying ancient port duties to new objects of commerce, "raised in the Liverpool case, but not decided, is proper to be considered."

4460. Therefore Lord Denman's opinion was, that that point was not decided?—I have read what he said upon our trial.

4461. You have also read what he said upon delivering judgment in the case of Brune *v.* Thompson?—Not decided by the full court I suppose he meant.

4462. Which do you think is most likely to be right in the matter, you or Lord Denman. You seem to be of a different opinion to Lord Denman?—I do not see any difference in our opinions; I should be very sorry to set up my judgment against the opinion of Lord Denman.

4463. Do you consider the public were represented on that trial?—There were a great many firms disputed the right of the corporation to levy the dues and one action was tried.

4464. What were the objects of those firms in the dispute?—According to their resolution, they said that the town dues had been considered an illegal exaction.

4465. Are you not aware that they gave opinions upon the subject?—Several of them did.

4466. I will refer you to the 41st answer of Mr. Heron before this Committee; will you have the goodness to read it, from line 7?—"In the evidence which was "given before the Municipal Corporation Commissioners in Liverpool in 1833, it "is there distinctly stated that it was not for the purpose of contesting that right. "Mr. Edwards, the gentleman then being examined, says, 'I wish to pay the town "'dues; I have no objection to pay them, provided that the rest of the community "'contribute in the same proportion.' Mr. Lowe, who was the solicitor employed "by the associated merchants, says, 'If the town clerk had been in court,'—the "town clerk had said that it was for the purpose of destroying the right to the "dues,—'If the town clerk had been in court during the time I was speaking, he "'would have seen that it was not merely to try the right of the corporation that "'the payment of the dues has been refused. The correspondence showed that the "'object was first to try the right, and then the question of the amount. If the "'common council had met the question fairly, and said, 'The dues are too high, "'and we will reduce them,' we should never have heard of the town dues action. "Mr. Bolton, who was a defendant in that case, with many others, and one of the "merchants whose case was selected for trial, says, 'As a question has been put "'as to the cause of the action, and as I am a defendant in that action, feeling, in "'common with others, the burden, we resist.'"

4467. This was pending the action before it was settled, was not it?—After the verdict and before the bill of exceptions. Mr. Bolton goes on to say, "I "think myself here called upon to state my views of the question. It is, as I under-"stand it, first, to try the right; of course they could not raise any question without "making that the ostensible object; and next, whether there should be any exemp-"tion, as in the case of Sir John Tobin, Mr. Horsfall, and others. Again, if there "be town dues, whether they are to be regulated by any principle of bulk, weight, "or value; and I repeat, that if all persons in town had paid alike, I for one should "not have disturbed the question." Mr. Lowe, the solicitor, says, "And I, for one, "'would never have been concerned in an action for that purpose, when such great "'benefits are derived to the town from the appropriation of those dues."

4468. Does not that seem to show that the parties were not actuated by motives to get rid of the town dues?—As I have already stated, there were two parties among the merchants at that time, one of whom thought that the corporation were not entitled to anything, and ought not to receive anything; and the other party thought that the corporation were entitled to something, but they thought they were too high.

4469. Mr. Bolton was the defendant in one of the actions which was brought; may not he be regarded as a fair exponent of the views of the parties?—He was a very active member of that committee, undoubtedly.

4470. Do you consider that Mr. Bolton, in raising the points, was a fair representative of the general public in that matter?—I suppose Mr. Bolton only wanted to try the question in respect of his own goods.

4471. They intended to hold this action *in terrorem* over the council, till they got what they wanted; was not that so?—Some of the parties wished to have a reduction made in certain duties, and the corporation declined to do that, inasmuch as the other merchants disputed their title. I hold in my hand the reso-

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lution which was passed by the merchants previous to the litigation. The resolution which they passed was, "That an opinion has long prevailed that the town "dues collected at this port are an illegal exaction, and the amount being a severe "tax upon trade, pressing very heavily upon salt and some other articles, while "from the numerous exemptions from the payment they operate unequally and "unfairly, it is the opinion of this meeting that no time should be lost in bringing "the question of their legality to an issue."

4472. There is no doubt they attacked them altogether; but was not the object evidently not to do away with the dues, but to use the action as a lever to get the corporation to reduce them?—It seems to be Mr. Bolton's object, according to his own statement.

4473. Will you refer to page 256 of the Report of the Corporation Inquiry; you have stated in your evidence the then opinion of Mr. Foster, to show the unwillingness of those merchants to go on with the action?—To show that delay took place.

4474. A bill of discovery was filed, was not it?—Yes.

4475. That Bill was demurred to, was not it?—Yes.

4476. The demurrer was argued before the Vice-Chancellor, and was overruled, that is, it was decided against the corporation, and an appeal was made by the corporation to Lord Brougham, who confirmed the decision of the Vice-Chancellor?—He modified it considerably.

4477. He granted the discovery?—He granted the discovery to a certain extent.

4478. That appears by your own answer?—Yes.

4479. A further appeal to the House of Lords was spoken of?—"An appeal "was made by the corporation to Lord Brougham, by whom the decision of the "Vice-Chancellor was confirmed, and a further appeal to the House of Lords was "spoken of, and thus the corporation kept shifting about, to avoid a disclosure, as "if they had some important secret to keep. In consequence of this threatened "appeal, those persons who had been paying from May 1830, the period of the "original communication, thought there would be no end to the delay, and 'we will' "said they, 'try and stop the top;' between 50 and 60 persons, (which number Mr. "Bourne says is the aggregate,) accordingly refused to pay, and a corresponding "number of actions were brought. In reply to a communication I made to Mr. "Statham, as to his serious intention of going on with those actions, he wrote me "a letter, intimating his intention to proceed in each action without waiting for the "result of the action against Bolton, Ogden and Company. Then they were con-"solidated." In answer to that part of it Mr. Foster stated, that the bill of discovery which they filed would have required the production of a great many documents which they did not conceive they ought to be compelled to produce in that form previous to the trial of their title, therefore they opposed those Chancery proceedings.

4480. Mr. Foster very much disapproved of that part of the British constitution which grants a bill of discovery. Will you have the kindness to turn to page 487, where he calls it a "screw"?—"The next step taken, I say it as an Englishman, "deeply regretting such power should exist, was to use the oppression of the Court "of Chancery, in order to squeeze out of the Common Council the evidence of "their right to these dues, to use the screw of the Court of Chancery against the "Common Council, for the purpose of asking and compelling them to exhibit what "was their title to these town dues."

4481. I ask you, as Mr. Foster's successor, whether you think there is any hardship in asking people to produce the title by which they claim to impose a tax on their fellow-subjects?—No: and I think there has been no unwillingness on our part to produce our title.

4482. The case came on for trial before Lord Denman?—Yes.

4483. I presume when you put in the grant there must have been a verdict for the plaintiff, must there not, unless the grant was held to be void; you must take something?—Unless the plaintiffs established their right to the dues which were mentioned in the particulars of demand, I presume they would have failed, at all events, as to part.

4484. There would have been a verdict for something which would have carried the general costs of the action, would there not?—There would have been a verdict for dues on such articles as the plaintiffs had proved they were entitled to receive.

4485. Before

4485. Before that time the Corporation of Liverpool had set up a title by prescription, had they not?—Yes.

4486. That was supposed, at any rate, to require some sort of consideration to be shown for it?—According to the forms of pleadings of that day, they seem to have set out some consideration.

4487. If that doctrine had been upheld that case would have failed altogether; supposing consideration had been a legal ingredient, and they could not have shown consideration, the case would have broken down altogether?—Of course it would. In the Exeter case the Court held that, supposing there to be obligation, it was no answer to such an action.

4488. When they set up a grant of customs from the Crown, then, unless the grant proved to be void, they must take something, I presume?—Yes; unless they proved the articles in the particulars of demand, they would not be entitled to recover.

4489. There could be no doubt that the corporation were entitled to take some customs within the town and lordship of Liverpool as soon as they put in that grant?—If that grant carried the port, which I say it did.

4490. Whether it did or not, they would be entitled to that which was conveyed by the express words of the grant?—Yes.

4491. Lord Denman must have ruled for the plaintiffs on a point that would carry the general costs of the action?—I do not understand the way you put it.

4492. Your case was such that you must have had a verdict; the question was only as to the quantum, not like the Exeter case?—Yes.

4493. It was not whether you should take anything, but how much?—Whether we were entitled to all or any part of the demand made on the defendants in that action.

4494. Having shown that you were entitled to part, you were entitled to a verdict on some one or other of your counts?—We proved that we were entitled to the whole amount, and the verdict was for the whole amount claimed.

4495. Lord Denman ruling for you on that point, a bill of exceptions being tendered, did not he say, "We shall hear of this case again"?—Yes.

4496. Are not you aware that it is the practice of judges to rule two points the same way, so as to save the trouble and expense of a cross bill of exceptions?—Yes.

4497. Would not it be mere perverseness on the part of the judge if he did not rule so as to avoid a cross bill of exceptions?—I fancy he would frame the bill of exceptions so as to raise all the points before the full court.

4498. Supposing he had ruled in favour of the other side on the count with respect to Runcorn, then the other side would have had to tender a bill of exceptions, would they not?—Yes.

4499. Was not it much better to be all in one bill of exceptions?—It was much better, certainly.

4500. Then we come to the settlement of the matter; you said the other day, as I understood you, that it was not exactly a compromise?—It was not a compromise in the sense in which I think it has been pressed before the Committee to be a compromise.

4501. In what sense was not it a compromise; what is a compromise?—A compromise is where the parties give way in order to obtain some immediate advantage.

4502. Do you think the Corporation of Liverpool did not give way?—I think they did not give way at all, for all they gave up was asking the defendants for their costs; the amount of costs which they could have received from them would have been utterly inadequate to repay the expenses to which they had been put in the action.

4503. You think the corporation did not give up anything except the costs of the action?—Yes.

4504. Do you think the reduction of the town dues was not influenced by the action at all?—Yes.

4505. Was not it one of the terms in the negotiation?—It was one of the points mentioned in Mr. Hornby's letter.

4506. It was one of the points to be brought forward?—Yes.

4507. That letter was attended to?—Yes.

4508. Was not the reduction of the dues substantially a term between the parties?

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parties?—I do not think the composition entered into had anything to do with the settlement of the action.

4509. Do you believe that the merchants would have withdrawn their action without it?—I believe if the bill of exceptions had been argued, and the decision of the Court had been in favour of the corporation, those reductions would have taken place just the same as if the action had not been stopped.

4510. The question is, whether the bill of exceptions, not having been argued, and only having been tendered, the undertaking by the corporation to lower their duties was not the consideration which induced the merchants to give up the action?—I have heard merchants who took an active part in that action say that it was not so.

4511. Did you ever hear Mr. Joseph Hornby say so?—I heard Mr. Joseph Hornby express an opinion very much to the same effect as the opinion which Mr. Aikin expressed, that they gave it up because they were sure to be beaten.

4512. In one sense that was so; the general verdict must have gone against them; they might have succeeded in limiting the duration of the port, but that was the question to be argued, was not it?—That was one point.

4513. It would not have benefited them as Liverpool merchants to have exempted Runcorn?—No; unless they had changed their place of trade up to Runcorn.

4514. Therefore on the main point they must have been beaten, and with the collateral points they had no inducement to go on?—I think many of them considered that the main point was whether any dues at all should be payable.

4515. Will you refer to Mr. Rushton's report of the trial, and have the goodness to read the correspondence which is set out at page 62?—"Several letters "and conversations followed, the particulars of which the committee think it is "unnecessary to record, further than by stating that between the beginning and "middle of May all expectations of an accommodation had ceased, but, like other "negotiations, it was resumed; and they commence the publication of the correspondence with an extract of a letter from Mr. Brown to the town clerk, of which "the following is a copy:—'Liverpool, 15th May 1834. Thomas Foster, esq., "'Town Clerk. Dear Sir,—I understand the conversation I have just had with you "'amounts to this, that in event of Mr. Bolton doing what is necessary in allowing "'the verdict on the town dues' question to be recorded, the committee who has "'the management of that business will recommend to the council not to make "'any claim for expenses, but each party to pay their own costs. You further "'assure me that after the Municipal Commissioners were here, a resolution was "'placed on the minutes of the council, directing the town dues' committee to "'inquire, and report on any articles on which the duty was oppressive, with a "'view to its reduction, and that they will be at all times ready to receive and "'attend to any communications from the merchants on this subject. If this "'letter conveys the purport of our conversation, you will probably attach your "'signature to it, and return it to yours, very respectfully, (signed) *Wm. Brown.*' "'—'The above does convey the purport of our conversation, (signed) *Thos.* "' *Foster*, Town-clerk.'"

4516. Was not that exactly carried out?—That was carried out, no doubt.

4517. How do you show that the reduction of the dues had nothing to do with withdrawing the action?—I say that the reduction of the dues would have taken place whether the action had been withdrawn or not.

4518. It might have taken place or not; you have the verbal communication between Mr. Brown, the town clerk, and the parties, which they subsequently reduced to writing, signed by both parties; is not the reduction of the dues a term of that agreement, and was not it carried out?—It was carried out.

4519. How can you say that it was not a part of the terms on which the action was settled?—I think I said before that the reduction of the dues was a question totally independent of the action, and would have been made, as I have been informed by men who were members of the corporation at that time, at once, before the action was brought, if the question of title had not been in dispute.

4520. I am not asking you what would have been done, but what was done; was not it one of the terms in consideration of which the action was withdrawn?—I do not think so.

4521. Both parties agree to terms in which that is embodied; is not that so?—It was mentioned as a point by Mr. William Brown.

4522. You

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4522. You have read a paper signed by both parties, in which this is made a term, and that term is exactly carried out; is not that so?—I cannot admit, from my knowledge of all the circumstances, that it was the question of reduction which induced the corporation to withdraw, at all events. I do not know what influenced the merchants; that was not the question which induced them to withdraw.

4523. The question of reduction?—No.

4524. It was a question of consideration, moving from the corporation to the merchants?—Some of the merchants might have been moved by that reduction.

4525. Was not it a term which they stipulated for?—Yes; they mentioned that as one of the points.

4526. It was assented to, was not it?—Yes.

4527. Then there was another thing they stated weighed on their minds; Mr. Hornby in his letter mentions, "that the Legislature have in preparation a "measure which will place freemen and non-freemen on an equal footing for the "future"?—Yes.

4528. Of course that was no term with the corporation; they did not look to the corporation for that, but to the Legislature?—Yes.

4529. Therefore I am not putting that as anything which influenced the corporation; but it showed what influenced the minds of those who were bringing this action?—No doubt the merchants felt that they were aggrieved by the exemption of the freemen; there is not the slightest doubt of that.

4530. Do you consider that persons whose objects appear to have been the reduction of these dues, and the abolition of the distinction between freemen and non-freemen, can fairly be said to have represented the public on that occasion?—I do not know how the public is represented in any cause.

4531. Would not the public be better represented by people from Manchester who had no interest in keeping up the town dues at all, than by residents in Liverpool, who had an interest?—I do not know that gentlemen from Manchester could have raised the question more fully than it was raised upon that trial.

4532. Those gentlemen say, themselves, in the passage you have read from Mr. Heron's evidence, that they did not wish to abolish the town dues, which had been beneficial to Liverpool?—Mr. Edwards said so.

4533. Mr. Lowe said, "And I, for one, would never have been concerned in "an action for that purpose, when such great benefits are derived to the town "from the appropriation of those dues"?—Yes, that is the statement of Mr. Lowe, the solicitor for the defendants.

4534. Do you consider people who were actuated by those motives, were fair representatives of the public in that case?—I do not know how the public could have representatives under any circumstances.

4535. Mr. *Hardy.*] Were the questions affecting the public raised?—Yes, every point which ingenuity could raise was raised.

4536. *Chairman.*] Were questions affecting the public afterwards compromised, or, if you prefer it, withdrawn from the consideration of a court of error?—Yes.

4537. And withdrawn by persons who admitted an interest in not having the questions decided on the side they had taken?—Mr. Edwards admitted it.

4538. And Mr. Lowe?—Yes, Mr. Lowe, the defendants' attorney.

4539. He said he would never have been the defendants' attorney if he thought the result would be to deprive Liverpool of its town dues?—I have my doubts of that statement.

4540. Mr. *Hardy.*] Has there ever been any attempt, except by the merchants of Liverpool, to raise this question?—No, except one or two merchants in London have claimed exemption as freemen of London, and we have contested that, inasmuch as they were not resident; but no other objection has been raised.

4541. As to your right to levy the dues, has any question ever arisen except upon that trial?—Not since that trial.

4542. *Chairman.*] What did the reduction of the town dues cost Liverpool a year; what was the immediate reduction made in consequence?—I cannot tell that.

4543. Was it 30,000 *l.*?—No.

4544. Nothing like it?—I should think not. I do not know what quantity of tallow and other articles there was.

4545. Will you have the goodness to ascertain the amount?—Yes.

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4546. You say Mr. Aikin stated that counsel were of opinion that they had "not a leg to stand upon"?—Yes.

4547. Were we not told that Mr. Serjeant Wilde expected them to be nonsuited?—Yes.

4548. I suppose that was after he had heard the case?—No; that was before the trial began, I think.

4549. I understood (I may be wrong) that it was in answer when he was pressed to call witnesses?—I understood he expressed a strong opinion before the trial that there would be a nonsuit.

4550. Mr. Rushton was one of the counsel on the occasion?—Yes.

4551. Will you refer to page 59 of his Report, and read what he says upon "the subject?—"The corporation have no more right to enforce the payment of "town dues in the port of Runcorn, or anywhere out of the limits of the town and lordship, than they have to gather them in the River Thames."

4552. Do you think that gentleman thought the defendants had "not a leg to "stand upon"?—I know he wrote an opinion quite contrary upon it not very long afterwards, which I have here.

4553. Have you any objection to put that opinion in?—There is another gentleman's name to it, and I should not like to use it without his permission.

4554. In answer to the Shipping Dues Commissioners, you refer to an opinion of Sir Fitzroy Kelly, Mr. Cowling, and others?—Yes, and I rather blame Mr. Heron for mentioning it. When the Shipping Dues Commissioners sent down to me, I thought it my duty, as town clerk, to be advised by our counsel as to what course I ought to pursue under that Commission, and the opinion they gave me was to answer those questions which they pointed out in detail. After the meeting of the Shipping Dues Commissioners at Liverpool, a gentleman connected with one of the newspapers asked for a full verbatim copy of the answers which we had put in, and my clerk, in mistake, gave him my own copy, in which I had made private memoranda, and in which I had said, "See opinion of Sir "Fitzroy Kelly," and so on.

4555. You do not wish to produce that opinion?—There is nothing in the opinion which I took for my own justification, as one of the officers of the corporation, as to what course I ought to pursue upon such an occasion; that is the way it arose. I made my own memoranda upon my own copy, which copy was handed in to the Commissioners' clerk. They copied that also, and a great many other memoranda.

4556. You think that is the way it got before the Shipping Dues Commissioners?—Yes.

4557. I will now ask you for a return or two. Can you give the Committee a return of the earliest tariff of town dues, including the anchorage?—Yes.

4558. The present tariff and all intermediate ones that you have?—The present tariff is the one I handed in to the Shipping Dues Commissioners.

4559. Can you give the Committee the tariff of 1664 and the subsequent ones?—I can search for them.

4560. The two earlier ones of 1613 and 1664 are very important. Are you aware of any other dues being increased except those to which I have called your attention?—I am not aware of any. I am aware that there are discrepancies in the copies I was looking at the other day. In the one I handed in to the Shipping Dues Commissioners I saw a discrepancy; there was an entry, "Boards, wainscot, "one shilling and sixpence." When you look at "wainscot boards," it is "six-"pence and threepence." There are discrepancies of that sort, arising from errors in copying and errors in printing.

4561. I shall be glad if you will give those tariffs, with the authority by which they were made, with any changes which have taken place in them; any information you can give upon that subject will be desirable?—I will examine the tables and see what information I can give you.

4562. Will you have the kindness to turn to page 279 of the Corporation Inquiry; there is an entry in 1567 which you have already quoted; will you read it again?—"Imprimis, we find that every bark, pickard, or boat, as well of Wal-"lassey Formby as elsewhere, shall pay all custom and anchorage, with all other "duties belonging to this town."

4563. In 1567, were not the corporation lessees of Lord Molyneux from year to year?—Yes, that is so.

4564. They had made up their quarrel about 1560?—1560 and 1561.

4565. I think

4565. I think about that period they elected his son as Member for the borough?—A little later than that.

4566. At this time the Corporation were lessees from year to year of Molyneux, and lessees, as you contend, of the port which embraced all those places?—Yes.

4567. It was notorious at the time?—Yes.

4568. And had been notorious ever since its creation?—I presume the limits of the port at that time were known.

4569. How do you account for this entry?—You will observe that just subsequently to that time there had been disputes as to the limits of the port of Chester, between the Custom-house officers, not the Corporation, and those entries may possibly have been instructions given to the officers of the Corporation as to receiving the Liverpool dues at those places.

4570. Do you think the words, "duties belonging to this town," meant the King's customs, which did not belong to the town?—No, duties belonging to the town; not Queen's customs.

4571. You think they were the town dues?—Yes.

4572. The dispute between Chester and Liverpool was about customs, and not about town dues, was not it?—Yes; but the officers of customs appear to have been interfering amongst themselves with reference to carrying on their duties at different places.

4573. It only says that they shall pay, it does not say who they belonged to?—It says, "shall pay all custom and anchorage, with all other duties belonging to "this town."

4574. It does not say where or to whom?—No.

4575. How could it refer to the officers of customs?—I only mention, as a fact, that at that time there were those disputes.

4576. There is an entry dated 1571, on page 279, which perhaps you will have the kindness to read?—"We find it necessary and agreeable to the laws of this "realm, that all merchandizes coming or being brought to this town, or that shall "pass this town and port of Liverpool, into and for Ireland, or else whithersoever "to any other place, shall be entered into the customs' book of this by the cus-"tomer, or by his clerk for the time being, to and for the town's use; and in default "and want of manifest entry made, and to be made of such goods and merchan-"dizes, less and more all and every such goods, wares, and merchandizes, what-"soever it or they be, and shall be found unentered, and not put in the customs' "book of this town and port aforesaid, to be forfeited and levied, orderly to the "use of this town and comyn, treso[e] of the same; and that the customer or his "clerk, and collector of the said customs for the time being shall, forthwith upon "knowledge had, seize, or cause the sariant of this town, or water bailiff, to stay "and seize all and every such goods, wares, and merchandizes not entered in the "customs' book, as forfeit wares, and take and put all the same into the comyn "warehouse of this town, or into some other sure and safe custody, as occasion "shall require; and the same to be forthcoming to the town's use, upon demand "and commandment thereof upon pain."

4577. Now with respect to the words which I asked you about before, "shall "pass this port and town of Liverpool." What do you understand by those words. Does not it seem that the port of Liverpool only extended so far, that people could pass it on the Mersey without going into it. You suggested before that it was "passed by," or "passed through"?—"Passed through."

4578. Do you mean "passed through" the town; that would be difficult, would it not, with a ship?—I cannot give any explanation of it.

4579. "Passed by" would read well enough, would not it, but it would cut down your port to the old pool?—You find the words "port and town," and "town and port," used in the old records.

4580. Will you have the goodness to read the entry in 1572, which is also at page 279?—"We agree that all pickards and boats coming into this port and "river, intending to go up to Werington or Fradsham, or any other creek within "this port of Liverpool and thereto belonging, shall make their entry and pay keel "toll, anchorage and custom, to Mr. Mayor's collector, appointed town customer, "on pain of forfeiture of such pickard or boat, and the goods in them laden."

4581. At this time the Corporation were lessees from year to year?—Yes.

4582. How do you explain that entry?—The Corporation, as lessees, would have all the rights that the lord of the port or his lessee had.

 4583. If

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4583. If those rights were notorious. what was the object of such an entry as this; what could be the use of it?—I find it was a very common practice in our corporation to pass these entries, and seal them, and give them to their collectors; that was done up to a few years ago. With regard to the collectors, what is the nature of the entry, I can only explain by the entry itself.

4584. In 1567, only five years before the corporation had ordered that every bark, pickrad, or boat at Wallasey, Formby, and elsewhere, should pay customs?—Yes.

4585. What could be the object of this entry?—I cannot say what the object of the entry was.

4586. You do not contend that this entry could give them any more jurisdiction than the lease from year to year from Lord Molyneux gave them?—Certainly not.

4587. What *bonâ fide* purpose could it serve; what honest purpose could it serve?—It would be an instruction to their officers in the way I have mentioned.

4588. That would be given in 1567. If their object was to manufacture evidence upon which to found a title by prescription, it might be pretty plain what they were at?—I should be sorry to suppose that people would make entries for that purpose.

4589. About 20 years before they had set up a title by prescription as against the Molyneuxs?—Yes.

4590. And they were entirely beaten?—Yes; this was after the decree.

4591. Do you find in any one of those entries any allusion whatever to the Corporation being lessees to the Molyneux family?—No, not in these entries.

4592. Is there anything whatever which would lead you to suppose that they were not the absolute owners of these dues?—These were extracts made by Mr. Lowe, from the corporation books themselves, of the proceedings relating to that litigation.

4593. Will you have the goodness to read this passage from Baines's History of Liverpool, at the bottom of page 210 (*handing a book to the Witness*)?—"They began by taking the law into their own hands. This they did by arresting "and throwing into prison Hugh Daubie, the collector of the dues of Sir Richard "Molyneux. The consequence of this illegal act was, that Mr. Thomas Moore, "the Mayor of Liverpool, who had gone up to London on the business of the "town, was himself arrested and committed to the Fleet Prison, where he was kept "in durance until he made an apology for his conduct and that of his co-burgesses. "The question of the right of the Crown, and of its lessee, to collect the dues in "question, was afterwards brought before the Chancellor of the Duchy, who, after "a full hearing, decided that Sir Richard Molyneux was entitled to all that he "claimed as tenant of the Crown; that is, 'to all and singular the profits of the said "'custome arising and coming by any mean within the said town and lordship, "'as well by all freemen of the same town, as also by all foreigners and estrangers "'whatsoever they be, that shall bring, transport, or use any kind of merchandize, "'within the said town or lordship of Lyverpoolle or liberties of the same, and also "'the profits of the stallage, passage, anchorage, keil-toll, profits of the fairs and "'markets within the said town and lordship, as also all and singular other profits, "'whatsoever they be, belonging to, or in anywise appertaining to the said town "'of Lyverpoolle.'"

4594. They were not very particular in the measures they took, beginning by arresting Sir Richard Molyneux's collector?—They seem to have supposed that they were entitled to those dues themselves.

4595. If they had been, they should not have arrested his collector and put him in prison?—I am not here to defend the actions of the corporation in 1570.

4596. I am not putting it merely as an idle question; I ask you whether there is not some presumption, from the manner in which they had dealt with this matter, that evidence had been manufactured and trumped up?—I do not think so; the question was decided against them; the decree was that Lord Molyneux was entitled; they afterwards bought Lord Molyneux's rights.

4597. Did not they question Lord Molyneux's title, after he had established it?—I do not recollect that.

4598. Will you have the goodness to read, as another specimen of the animus of the great men of Liverpool in those days, a passage from Baines's History, beginning at the top of page 213?—"About this time the burgesses, finding that nothing

"nothing was to be got by resisting the law, made a treaty of friendship with the "Molyneux family, and to confirm it, elected Richard Molyneux, Esq., the son and "heir of Sir Richard, as one of the Members for the borough. In order still "further to strengthen the local interest, it was the wish of the burgesses that their "powerful neighbour the Earl of Derby should nominate the other Member. By "thus fixing on both the Members, without taking his advice, they gave mortal "offence to the Chancellor of the Duchy, who had always been in the habit of "nominating one if not both of them. Fortunately the nominee of the Earl of "Derby, Mr. Ralph Sekerston, was as little troubled with fear as he was with "modesty. He took and held his seat, in defiance of the Chancellor of the Duchy, "and distinguished himself by both making and delivering several speeches in "Parliament, an achievement to which no Member for Liverpool had ever before "aspired. He did still more than this, for 'of his own politic wit and wisdom,' "he drew up and presented to the Queen a very melancholy picture of the state "of the town in which he insinuated that he had recently been deprived of certain "valuable privileges (which however was not true), and suggested that it "would be very much benefited, if the Queen would give up the town dues "to the burgesses. Her Majesty, having quite as much occasion for money as "the corporation of Liverpool, gave a civil answer to this request, which "amounted to a refusal. This Ralph Sekerston, who seems to have been a very "active man in Liverpool about the middle of the sixteenth century, had a favourite "maxim, which shows that his charity not only began but ended at home. It was, "'Save me and mine, and the town of Liverpool, and all that belongs to it, and "'let the Lords kill whoever else they like.'"

4599. So that this gentleman, the Member for Liverpool, it appears made an attempt to get the property out of the Molyneuxs, even after that lawsuit?—I am afraid he was acting as a Member of Parliament, not as a burgess, then.

4600. Acting as Member for Liverpool, was not he?—Yes.

4601. He shows you the principles upon which he directed himself?—Upon which Members of Parliament acted, I suppose.

4602. Mr. *Hardy.*] Does Liverpool claim under the Molyneuxs now?—Yes.

4603. *Chairman.*] It appears from these different entries it is directed that goods and vessels shall be forfeited?—Yes.

4604. Are you aware of any legal title they have got to do that?—I do not think they would have the right to seize the goods and vessels.

4605. We are to refer those things to legal inception; can you suggest any legal origin for them?—My opinion is, that they would only recover them by action at law.

4606. Why should we be put to suggest a legal origin for the manner of collecting the dues, any more than for the dues themselves?—I apprehend an illegal mode of enforcing the right would not affect the right itself.

4607. We have to prove the right by user?—By grant explained by user.

4608. We find those people whose officer is put forward to set up a right with usages which are flagrantly illegal?—Not in respect to the dues themselves; I do not suppose any illegal action of Ralph Sekerston, or any other person, would affect the right itself; if they took a wrong mode to enforce their rights, the courts of law would put them right, I suppose.

4609. Are you aware of a petition presented to Parliament in 1645?—I have read that petition.

4610. Sir *John Duckworth.*] Who presented that petition?—The Corporation of Liverpool.

4611. *Chairman.*] Referring to 1649, there is an extract from the corporation records at the bottom of page 285; will you be good enough to read it?—"It is "ordered that William Dunne shall pay 40*s.* for his neglect in not paying the "town's duties, and for not making invoice, and for passing this port several "times to Sankey, which was afterwards all taken off saving 10*s.* only."

4612. Do you imagine they had any authority to impose that fine?—I do not think they would have authority to fine a person for not paying their duties; they had at that time bye-laws which were made in old corporations for their government; whether they had any bye-law legally made to authorise them to do that I do not know.

4613. Will you turn to 1657, the first order?—"1657. Ordered, that here-"after the mayor of this corporation, together with the advice and assistance of "[blank] or more of the aldermen, may of themselves set down and agree what

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"rates or composition shall be received for any goods imported, and not mentioned "in the ancient table."

4614. What have you to say to that; this, as I understand, was the right that they had exercised notoriously for years?—This relates to new articles, I presume, coming in, and not mentioned in the old table.

4615. Do you think this could give them that right?—I think this is the mode of fixing the due upon a new article which was adopted at that time.

4616. Is not that the mode of giving themselves authority to fix the due?—No; it appears to be the authority to the mayor, "together with the advice and "assistance of [blank] or more of the aldermen, of themselves to set down and "agree what rates or composition shall be received for any goods imported, and not "mentioned in the ancient table."

4617. Delegating that authority to the mayor and some aldermen?—To the mayor and some others instead of coming before the whole council.

4618. So that not only had they the right of taxation delegated to them by the King, but they assumed to delegate their right to some part of their body; do you think that is legal?—I think that is the course adopted with reference to new articles; the mode of fixing the due upon the new articles is by taking the most approximate article upon the table.

4619. By whom?—That is now done by the merchant, the importer or exporter, and the receiver.

4620. Then the merchant and the collector fix it?—Yes.

4621. Then is there any other authority?—If they could not agree, I suppose the matter would come before the council.

4622. If they do agree?—If they do agree the due is received.

4623. Are all other merchants obliged to pay it?—Yes.

4624. Suppose I am the second merchant, I come and find it fixed by somebody else, am I too late, or can I complain?—You can complain that the due is not a proper due.

4625. It is open to me to raise that point?—Yes.

4626. Can a third party complain?—Yes.

4627. When does the right to complain cease?—The right to complain would cease after the due had been attached for some reasonable time.

4628. After people have got used to it?—I do not say how long would be considered a reasonable time.

4629. Does not that wear very much the appearance of encroachment; supposing it to be an encroachment, which of course it is not, is not this plan which you have just been describing, of putting new dues upon new articles by agreement between the collector and one merchant, very much the way people would go to work if they did want to encroach?—I do not think it is open to such a construction as that.

4630. Are you aware that the corporation presented a petition to Parliament in 1645, stating that Sir Richard Molineux had brought a vexatious suit against them?—I recollect a petition; if you will refer me to it, I will read it.

4631. In 1664, at the top of the page 287, there is an entry which, perhaps, you will read?—"1664. Liverpool: at an assembly holden in the Town Hall, the "day and year above said, by the Worshipful John Sturzaker, mayor, aldermen, "bailiffs, and common council there assembled, it is ordered that Mr. Mayor, with "such others as he shall take to his assistance, may treat with some of the officers "of the Custom-house of this port to receive with his Majesty's customs, the "custom belonging to this town, for all cattle, horses, sheep, &c, exported and "brought hither out of Ireland, and to give or allow what salary for receiving the "same Mr. Mayor shall think meet; and if such officer of his Majesty's customs "here shall refuse, or not be willing to receive the said town's custom, that then "Mr. Mayor, &c., may treat with John Brooks, of Birckett, to receive the same for "such cattle, &c., as are landed on Cheshire side within liberties of this town, and "giving such allowance as he shall think meet; and also ordered that all the "arrears of a church ley taxed in Mr. Stanleyes mayoralty, on foreign freemen, "be forthwith demanded, and on refusal, or not paying the parties so refusing, or "not paying according to a clause of their oath in that behalf, to be respectively "disfranchised."

4632. At this time the corporation were the lessees from year to year to Sir Richard Molyneux?—Yes.

4633. How do you account for the toll which they have got in this place; he says they are "to receive with his Majesty's customs the custom belonging to this "town;"

"town;" it was rather a strong way of putting it, was not it?—I suppose that they wished to have the dues received by the officer of customs at the same time, if he were willing to receive it, and if he were not, to appoint somebody else.

4634. Could the town's customs be said, with any propriety of language, to belong to them at that time?—Yes, if they were the lessees of the town.

4635. From year to year?—Yes.

4636. In your evidence, No. 3777, and in this book, at page 285, there is an entry commencing "Whereas a windmill and ferry-boats"?—That is an order of the House of Parliament.

4637. Just read it?—"Whereas a windmill and ferry-boats formerly belonging "to the Corporation of Liverpool, and lately in the possession of Richard Lord "Molyneux, who is in hostility against the Parliament, and by his power with the "Lord Cottington (late master of the court wards and liverys), brought a vexa- "tious suit against the said corporation, to their great damage and impoverishment; "and whereas all the writings and ancient records belonging to the said corporation "were taken away when that town was taken by the enemy, considering the exceed- "ing great losses and sufferings of that said town, and to the end that the ancient "rights of the said corporation may be restored and those privileges whereof they "are and long have been in possession may be continued and remain inviolable, "the Lords and Commons assembled in Parliament do order and ordayne, and be it "ordered and ordained, that the said corporation shall have, hold, and enjoy the "said windmill and ferry-boats, and the rent of 20 *l.* per annum formerly paid by "the said corporation to the said Lord Molyneux, till both Houses take further "order: And it is hereby further ordered and ordained, that all other the rights, "powers, privileges, liberties, and franchises whatsoever contained in the charters of "the said corporation shall be and continue to the said corporation, saving to "the King's Majesty, his heirs and successors, and all other person and persons, "bodies politic and corporate, other than the said Lord Molyneux and his heirs, "all their rights, titles, and interests whatsoever."

4638. That, I presume, was in the nature of a private Bill, as we should call it now?—I do not know under what circumstances that would be passed.

4639. You do not suppose it was passed against the will of the Corporation of Liverpool at that time?—I have no account of how it came to be passed; it is an extract from the Rolls of Parliament.

4640. Will you refer to Mr. Baines's history, at page 318—there is an extract from a petition presented to Parliament in 1645—and read the fourth paragraph; the other matters do not seem to relate to it?—"Fourth, to obtain an order for "the enclosing and improving of the commons and waste grounds within the town's "liberties, for the good of the corporation, and that the mills and ferry-boats "formerly belonging to the town, and injuriously taken and kept from them by the "Lord Molyneux, may be restored to the corporation as formerly."

4641. That seems to be an answer to that petition which you have read with regard to windmills and ferry-boats, and so on?—I do not know whether it was at the same time.

4642. The petition was presented in 1645, and this ordinance, or whatever it is, was made in 1646. Will you turn to 1666; the second one?—"Whereas "the owners and masters of ships belonging to this port and borough of Liverpool, "being all or most of them free burgesses of the same, have respectively, by theire "oathes att theire infranchisement ingaged to theire power to further and increase "the libties and customes of this towne, and to be aiding and assisting to the "mayor of this town and his officers in execution of their several offices for main- "tenance of the said customes; nevertheless the same owners and masters or many "of them have not only omitted to make their invoice of goods by them imported, "but also have been remis (if not wilfully refusing) to contribute their due assist- "ance to the said officers in collection of the duty and townes customs of cattle "and other goods by them imported from Ireland. It is therefore at a general "meeting of the mayor, aldermen, and major part of the common council of this "borough this 18th day of May 1666 thought fit and ordered, that from hence- "forth the respective owners and masters and pursers of vessells belonging to this "port (being freemen of this borough) shall, at their landing or discharging of "any cattle (by them brought from Ireland) within the limits of this port, pay or "cause to be paid and satisfied to the towns customer for the time being, the said "duty or towns custom for such cattle respectively as they shall import into this "harbour, or limits thereof, be the same on Cheshire or Lancashire side, upon

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" pain of 6 *s.* 8 *d.* for every default; and if any question arise touching the pre-
" mises at any time hereafter, any officer employed for collecting the same, or
" levying the said penalty shall be defended and saved harmless at the charge of the
" town."

4643. Still they were only lessees from year to year?—In 1666 they were still under a lease.

4644. Was it not rather strong to call the liberties of the town what they got by a lease from year to year?—I suppose they would have all the lease gave them.

4645. Does not the word " liberties" seem to imply something more?—I suppose it is their mode of describing their boundaries and rights under that lease.

4646. Why do you suppose those words are put in, " as well as on the Cheshire
" as Lancashire shore;" was not the matter already sufficiently notorious, according to your view?—I do not know why they word them in that way; it is a general order as to all goods coming to any part of the shore.

4647. It would include the Lancashire shore as well as the Cheshire shore?—I have no doubt that would be understood.

4648. Therefore you do not know why they put it in?—I cannot explain why the entry was made in 1666 in that particular form.

4649. Might it not have been for the purpose of making evidence of their right, as it seems totally superfluous for any useful purpose?—I cannot suppose that those entries were all manufactured at the time for the purpose of claiming rights which did not exist.

4650. Will you refer at page 290 to an entry of 1714?—" 1714: It being
" represented to this council that several ships that bring corn into this port, and
" discharge here or at Warrington, do often report their cargo at the custom-house
" to be less than it really is, and thereby defraud the town of its custom and just
" due; it is ordered, that on suspicion that any such false report is made by or of
" any ship going up the river, and that town's customs and water-bailiffs' fees
" are not truly paid, that such ship shall be stopped here till the cargo be measured
" or gauged, and the customs and fees paid. The collector to have notice of this
" order."

4651. Has not that order been made frequently before, that ships to Warrington should pay toll?—Yes, 150 years before.

4652. Just after they had got over their quarrel with Sir Richard Molyneux; can you state whether, in the ligitation that the Corporation of Liverpool had in the reign of King William the Third with the Lancaster or London freemen, they ever set up any title to the port?—They said that they were entitled to the dues.

4653. Did they ever set up a title to the port?—I cannot recollect.

4654. Can you point out to the Committee anything in which they set up a title to the port until after the case of the Mayor of Exeter against Warren was decided?—I am afraid if the title was only set up since that time, I must have been the manufacturer. It appears to me that the port followed the lordship.

4655. I am not speaking now as to what is the law of it, but what has been claimed; can you point out any claim of the kind; I am not aware of it?—There has been nothing claimed since the case of the Corporation of Exeter *v.* Warren was tried that was not claimed before.

4656. You think not?—Certainly not.

4657. You say it was claimed before; I mean the ownership of the port?—Yes, I believe it was.

4658. The bill of exceptions seems rather to negative that, I think?—I may be mistaken.

4659. Will you refer to page 42 of Mr. Rushton's book, just about half way down, and read what appears there?—" And the said counsel for the said defen-
" dants further insisted that the said mayor, bailiffs, and burgesses claimed the said
" town's customs as duties on certain goods imported into and exported from the
" said port of Liverpool, and that, for the maintenance of the said issue on their
" part, they ought to have proved that at the time of making the said last-mentioned
" grant the said port of Liverpool was included in and formed part of the said
" town and lordship of Liverpool, or was co-extensive therewith, or was one of its
" rights, members, and appurtenances."

4660. Does not the suggestion of the ownership of the port being a matter in dispute come from the defendants instead of the plaintiffs, according to that?—They are arguing

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arguing that "they ought to have proved that at the time of making the said last-"mentioned grant the port of Liverpool was included" in the town and lordship, and they are putting that as a direct issue upon the bill of exceptions for the purpose of having that point argued; that point was mentioned previous to the verdict being delivered.

4661. Was it claimed on behalf of the plaintiffs, that is the point?—I believe it was.

4662. As far as we gather from this bill of exceptions, the point seems to have been raised by the defendants of the ownership of the port?—I do not know how that is.

4663. In those proceedings in King William the Third's reign the corporation did set up that they were liable to some kind of consideration, did they not?—They set up that they were entitled to dues for the uses of the borough; they set out that they cleansed the harbour and repaired the streets and pavements.

4664. The various costs and charges they had incurred they were liable to?—Yes.

4665. Did not they set out their liabilities as well as costs and charges already incurred?—I forget the exact words.

4666. Will you refer to Mr. Rushton's book, page 5, in their answer to this bill?—This was the London case. "In their answer to this bill," as Mr. Rushton puts it, "the corporation proceeded much on the same grounds as they "assumed in their information against the freemen of Lancaster, though they stated "in addition that in order to bear the charge of clearing the port and other neces-"sary uses of and for the borough, as well as for the uses previously set forth in "their information against the freemen of Lancaster, as they hoped to prove, as well "by living witnesses as by divers books, papers, charters, and records, by custom "or prescription, the time whereof the memory of man runs not to the contrary, or "as the borough was parcel of the Duchy of Lancaster, or by some other good "right, there had been due and paid, and of right ought to be paid and payable to "the burgesses of the borough, as well by freemen citizens of London as by others, "except the freemen of Liverpool, several small sums, called or known by the name "of town dues, on all sorts of goods exported out of or imported into the port of "Liverpool, particularly for every ton of cheese, 1 *s.* 8 *d.*"

4667. Then they set the claim forth, "In order to bear the charge of clearing the port and other necessary uses"?—"And other necessary uses of and for the borough."

4668. So that they set forth a sort of consideration for them?—In that form of their pleadings, they set out that.

4669. In the beginning of the Dock Acts they do the same thing; in their earliest Dock Acts they did contribute?—Certainly; they contributed to the making of all the earlier docks.

4670. And thus, as you say, fostered the port?—Yes.

4671. Up to the 25th of George the Third?—Yes. There were some grants and gifts of land later than that.

4672. After that Act there seems rather to have been a change in their policy?—From that time the corporation were paid for the land which was required for dock purposes. They gave land and money until the estate had so prospered that they were able to take care of themselves, to a certain extent.

4673. In the first Act they gave how much?—Four acres.

4674. What was the next gift, in the 11th of George the Second?—Under the 11th of George the Second they gave seven acres.

4675. And 1,000 *l.*?—Yes.

4676. They gave nothing but the four acres under the first Act, did they?—They gave four acres and 500 *l.*

4677. They recite in the Act that they were unable to do all by themselves, and they required assistance?—They required the rates authorised by the Act.

4678. There is an entry to that effect in 1714, that they gave 500 *l.*, which was ordered to be taken up at interest?—Yes.

4679. In the Act of 11 Geo. 2, again they gave seven acres and 1,000 *l.*?—Seven acres, or thereabouts, and 1,000 *l.*

4680. In the Act of 2 Geo. 3, they gave Genge's Dock and Basin, about 8 ½ acres?—"And for that purpose have agreed to give, grant, and appropriate "another piece or parcel of ground belonging to the said corporation, laying and

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"being at the ends or bottoms of certain streets called James's or St. James's-street, "and Chapel-street."

4681. That makes altogether land given about 19½ acres, as I make it, before the 25 Geo. 3?—Yes, about that.

4682. You have stated, I have no doubt correctly, that 39 acres have been given in all; where did the other 20 acres appear?—In subsequent Acts.

4683. Will you have the kindness to refer me to those Acts where it is given?—In 1714 the corporation gave 500 *l.* towards constructing a dock under the Act, and they gave four acres of land; in 1710 they gave four acres of land for the old dock; in 1738, seven acres and 1,000 *l.*; and in 1762, 14½ acres.

4684. How much does all that make?—In 1785, 12 acres; in 1811, four acres 590 yards; that was the enlargement of the Queen's Dock, but in consideration of that they received back part of the old dock.

4685. You have mentioned some reversion that was given in the 6th of George the Fourth?—Yes.

4686. Was that really given?—Yes.

4687. Was there no consideration for it?—No.

4688. None at all?—I believe not.

4689. Will you have the kindness to turn to those proceedings before the Corporation Commissioners, at page 154, with respect to what you stated the other day was given without any consideration?—"The reversionary interest of the "corporation in part of the property mentioned in Schedule (B.) of the 6 Geo. 4, "and estimated at the value of 21,229 *l.*, was conveyed by the corporation to the "dock estate, without fine or other payment, and was given, in fact, to the "public."

4690. This is Mr. Foster's, the town clerk's statement?—Mr. William Foster, not the town clerk.—"Mr. *Radcliffe:* But the dock trustees were bound, in consideration of such grant, to make certain improvements in the town.—Mr. "*Duncan:* The property referred to in Schedule (B.) of the Act, of which the "reversionary interest was thus granted, was situated in Strand-street."

4691. Is that statement of Mr. Radcliffe's correct, or not?—I believe there are two parts of the reversion mentioned in that Act. This subject will be brought before the Committee much more clearly by the present mayor of Liverpool, who had all those transactions under his own notice, than I can give them; they were before my time; I believe there were two reversions, one of which was freely given, the other the corporation were to be paid for.

4692. In 1785, a change took place in the policy of the corporation with regard to the docks, did there not?—In 1785 the dock trustees were first incorporated and became a corporation by the title of "The Trustees of the "Liverpool Docks."

4693. That being the corporation?—The governing body of the corporation still; the mayor, aldermen, bailiffs, and common council.

4694. The governing body under another name?—By the name used as the governing body they were incorporated trustees of the docks.

4695. What was the change in their policy with regard to land?—From that time when the dock estate for the extension of their docks, under the authority of various Acts of Parliament, required property of the corporation, they bought it, except that there were instances of a few grants of land afterwards.

4696. On what terms were they to be paid at first?—By the valuation of a jury.

4697. On what terms, then, was the principle fixed by the first section of that Act; was not it to be the cost price to the corporation?—As to part it was.

4698. That is the first time we find anything about purchase, is it not?—No, I think not; I think there were purchases before by the docks.

4699. Before 1785?—I am not certain of that; I believe that was the first time in the 25 Geo. 3, c. 15.

4700. The principle was, that it was to be paid for; at what price; I think it is in the first section you will find it?—It is a very long recital; it recites the great increase of the trade, and that the docks are insufficient for the holding of shipping, and goes on, "the mayor, aldermen, bailiffs, and common council of the borough "of Liverpool have taken the premises into consideration, and in order to obviate "and remove the said difficulties and inconveniences, and to encourage and pro-

"mote

"mote trade and commerce, and for the benefit of navigation, have thought it "requisite that two other wet docks, with proper piers and other proper and neces- "sary works incident to the same, should be made and erected at Liverpool afore- "said, and for that purpose have laid out, or contracted to lay out, divers large "sums of money in the purchase of the site of several timber-yards and other pieces "or parcel of ground lying contiguous to each other, all situate on the west side "of a certain street in Liverpool aforesaid, called Wapping, and extending south- "wardly from a certain place on the west side of Wapping called the Duke of "Bridgewater's Yard and Dock up to Toxteth Park, in the county of Lancaster, "out of which said purchased premises the said mayor, aldermen, bailiffs and "common council have agreed to grant and appropriate such grounds for the "purpose of the said intended docks as hereinafter are mentioned, to wit, begin- "ning at the northerly boundary of Toxteth Park, and running from thence "northwardly about 250 yards, and from Wapping aforesaid westwardly, about "115 yards, for the one of such docks, and for the other of such docks a slip of "the westernmost part of the said purchased premises, extending from the said "yard and dock of the Duke of Bridgewater southwardly about 386 yards, and "being in breadth about 45 yards."

4701. Was it to be sold at the price which it cost the corporation?—"For which "said grounds, or for so much thereof as shall be appropriated to the use of the "said two intended docks, and of the quays, piers, and other works thereto to "belong, the said corporation of Liverpool are to be paid out of the dock duties "of the said port, at and after the same proportion as the same corporation has "already paid or contracted to pay for the purchase of the whole of the said "grounds, besides which same pieces so to be appropriated as aforesaid, the said "mayor, aldermen, bailiffs, and common council have agreed to give, grant and "appropriate for the use of the said last-mentioned intended dock, and in order "to complete the same, and also for the use of an intended basin for both the "said docks, a certain piece or parcel of waste ground lying to the westward of "the before-mentioned premises, and extending from the said yard and dock of "the Duke of Bridgewater southwardly about 452 yards;" they were to give one piece which was their own property, and for another piece to be purchased for the purpose of the docks they were to be repaid the exact amount they had given, as Mr. Stewart will explain to the Committee more fully. The dock trustees under those Acts of Parliament had no authority from Parliament to purchase more land than they required for the purpose of the works which they then had before Parliament. The corporation on several occasions purchased lands in anticipation of the wants of the docks, and transferred it to the trustees at the price which they had given.

4702. On some occasions at a larger price?—On some occasions they received prices for land, being the amount at which that land was valued by a jury, or since the passing of the Municipal Act agreed to be taken with the approval of the Treasury.

4703. They extended the principle; and under the Act of 1799, section 1, the land was to be paid for at the rate of land already or thereafter to be purchased for the intended docks?—"The Corporation of Liverpool are to be paid out of "the said dock rates or duties, at and after the same proportion as the said corpo- "ration have already paid, or shall hereafter pay, for any part or parts of such site, "and for such part and parts of the said site as always belonged and now belong "to the said corporation, at and after the like proportion as for those which they "have so as aforesaid purchased or shall hereafter purchase for the use of the said "docks."

4704. When did the jury first come in to assess; in 1811, did not they, under the 37th and 56th sections of 51 Geo. 3, c. 143?—Under 51 Geo. 3, the 56th section of which provides, "In cases of purchase of lands and premises of the "Corporation of Liverpool, the jury shall be summoned, and appear before the "sheriff of the county of Lancaster."

4705. Who was to employ counsel to appear before the jury?—The Audit Commissioners.

4706. Who were they; were there nine?—I am not sure whether there were not 12 at that time. There were four appointed by the common council, and eight by the dock ratepayers.

4707. It was a body in which the dock ratepayers had a preponderating voice, had they not?—Yes.

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4708. The powers of those Audit Commissioners were very much diminished, were not they, by the Act of 6 Geo. 4?—By the Act of 6 Geo. 4; up to the time of the passing of that Act, the dock ratepayers were not directly represented on that committee at all.

4709. To what extent were their powers diminished?—Under that Act eight ratepayers were to be elected into the Dock Committee, and by that Act the power of the Audit Commissioners was confined to auditing the accounts.

4710. Did they lose the power of appointing counsel to appear before the jury?—Yes.

4711. That was gone, was not it?—Yes.

4712. Will you explain to the Committee the circumstances which occasioned the power to be withdrawn from them?—It was before I had any connexion with the Corporation, and I can only explain it from statements I have heard from the officers at that time, and those who were connected with the dock affairs; that as the dock ratepayers were to be directly represented in the Dock Committee, the power was no longer necessary.

4713. Had not they given great offence to the Corporation?—I do not know that they had. They had instituted some investigation into alleged abuses in the dock estate, and received from the Corporation, if I recollect rightly, a vote of thanks.

4714. They exposed very great abuses, did not they?—There were abuses exposed by them.

4715. Contracts were taken at 70 per cent. higher than the things could be bought elsewhere?—I do not know what the circumstances were.

4716. Some of the transactions with regard to stone amounted to absolute fraud, did they not?—So it was alleged at the time; I believe there were frauds committed.

4717. The abuses were exposed in one year, and the next year they were deprived of the function by Act of Parliament, were they not?—I forget what year it was; it was long before my time. I do not know what year the inquiry took place.

4718. You are not aware that there was any connexion between the exposure of those abuses and their being deprived of their office?—No; I am not cognizant of any of those transactions; it was before I joined the corporation service.

4719. Will you read the passage from the Report of the Municipal Corporation Commissioners, at page 2767, relating to the subject?—This is a report signed by Mr. Wilkinson. There were two commissioners came down to Liverpool, and Mr. Wilkinson prepared this report, from which, I believe, his colleague, Mr. Hogg, dissented:—"This General Report bears date the 25th of June 1824; "on the 27th June 1825, the 6 Geo. 4, c. 187, received the Royal Assent, so "speedily did those of the trustees who were of opinion 'that the duties of the "'Commissioners were limited to comparing the vouchers of payment with the "'cash book, and to seeing that the monies were applied to dock purposes,' "succeed in persuading the Legislature that they had taken the just and orthodox "view of the question. It was indeed asserted, on behalf of the trustees, that "this and every other clause in the Act was introduced with the privity and consent "of the ratepayers in dock committee and Audit Commissioners, acting under the "advice and direction of the late Mr. Huskisson; but, on the other hand, the "members of those bodies very reasonably urged that their consent was rather "in the nature of a submission; that they yielded to the introduction of this (16*s.*) "and other clauses, under the duress of absolute necessity for further dock accommodation; and that their true feelings and wishes were well known to be "decidedly adverse to such provision. The testimony of Mr. William Myers, a "leading merchant of Liverpool, and one of the Audit Commissioners, who were "parties to the foregoing Report, and of Mr. Robert Gladstone, (chairman of "several mercantile associations in Liverpool, an Audit Commissioner in 1822–23, "and member of the dock committee, elected by the ratepayers, under 6 Geo. 4), "showed that a deputation was sent to London by the merchants and other ratepayers in 1825, to watch the proceedings on the Bill in Parliament, and endeavour to obtain an efficient control over the affairs of the dock estate. Their "object was to get the best terms they could. They set out by requiring a majority of 12 ratepayers to eight council on the committee; afterwards they "were willing to accept an equality, composed of 10 from each body; but "ultimately were obliged to take whatever was conceded to them. In a reso-

"lution

"lution of 16 May 1825, the Council intimated their intention to withdraw the "Bill altogether if their terms were not acceded to; and under the influence of "this threat, which had been acted upon once already, upon the withdrawal of the "Bill in 1822, the ratepayers were compelled to succumb to the pressing neces- "sity for dock accommodation. In like manner, the appointment of chairman, "the repeal of the power to purchase three graving docks from the Corporation "by assessment of a jury, and various other points contested by the trustees "(which it is needless here to enumerate), were carried against the true wishes "and interests of the ratepayers."

4720. It appears to have been the view of that Commissioner that those Audit Commissioners had their powers cut down, because they had exercised them in exposing these frauds?—It appears that a deputation came to London to get as much as they could, and went home having got it. All those dock Bills were very severely contested in Parliament; and I suppose they had an opportunity of stating all their case to Parliament.

4721. It would not quite follow that they would, because the veto might have come into play, might it not, in the Council?—The veto could not have controlled these proceedings, I apprehend. After the Bill had been submitted to Parliament and sealed by the trustees, I do not apprehend the Council could exercise a veto upon the proceedings.

4722. Upon the manner of conducting the case they could?—I think not.

4723. Had they not attempted to do so; did not you draw attention to an instance in which they did so before a jury?—That was a case of instructions to be given to counsel before a jury. In that case it appears that the dock trustees claimed to be entitled under the wording of one Act of Parliament to land, the Act being framed contrary to the express and declared intention of all parties; in fact, a mistake had been committed.

4724. They were entitled to the land by the Act?—So it was contended.

4725. We have reason to suppose that they were, because, subsequently, an Act was procured to repeal it?—A subsequent Act was procured to put the mistake right. The Act recites that doubts had been entertained as to the construction of the former Act.

4726. Do you contend that the Dock Committee were free agents in conducting their own cases in their own way?—Yes, from the information I always have had. I never acted as dock solicitor, nor in any of those dock proceedings. The Bills for the dock estate are promoted not by me as town clerk, but by the dock solicitor himself.

4727. Assuming that the Corporation were right in their view of that case (I will not enter into a complicated argument), do you think any one can be called a free agent in his own case, when his antagonist has the power of saying, "That "view is mistaken, and you must not put it forward"?—I do know that it exists; they refused their consent to the proceedings, the effect of which, if they had affirmed them, would, as it appears to me, have cut away the argument that the land had by mistake vested in the dock trustees, and so have vested it in the dock estate.

4728. Can you say that those people have the liberty to conduct their own proceedings in their own way, who are liable to be stopped in any particular line of proceeding by their adversaries declaring something to be a mistake, and they must not go into it?—I know they did practically so conduct their case, as if the power of veto never existed.

4729. They did not in that case; I apprehend they would have conducted their case differently if the veto had not existed?—They would have argued before the arbitrator that the land was not a subject-matter of inquiry at all, inasmuch as it was vested in the dock trustees.

4730. That was true, was not it?—It was true, assuming the Act of Parliament had so vested it. I do not see that the exercise of the veto at all prevented them from using that same argument; if it were true, it would have been apparent upon the Act itself, which might have been put in.

4731. Were not they bound to obey the order of the Council?—From my reading of the proceedings, and the explanation which was given about this matter before the Municipal Inquiry, if I recollect rightly, it was stated that the point was raised before the assessor, a barrister, and he overruled it.

4732. There was another point upon which they exercised a veto on the same occasion, and forbade them to call attention to the provisions of the 39th of George

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the Third, which restricted the corporation to the price they had paid, or should thereafter pay for land?—Yes.

4733. Do you consider a man is master of his own proceedings, if he is not allowed to call attention to an Act of Parliament expressly for his benefit?—I cannot say under what circumstances those words came in; it does not appear to me that they would have the slightest effect upon the case.

4734. I referred to it for the purpose of showing the animus?—I cannot tell whether there was any animus about that particular section.

4735. Do you think where people have the exercise of such power as that, its effect must not be greater than it appears by its exercise of it?—I do not know; so far as I am acquainted with the dock proceedings since I have been connected with the council, they carry on their proceedings quite as independently as if no power of veto existed.

4736. There was another case where the veto was exercised with regard to rating?—Yes.

4737. Who put in that Bill for rating the docks?—The parochial authorities.

4738. Was the Corporation a joint promoter of the Bill?—The Corporation agreed to pay half the expenses of that Bill if it were carried.

4739. That was a Bill exposing the docks to a burthen from which they were then exempted?—Yes.

4740. The Dock Committee intended to oppose that Bill, did not they?—Yes.

4741. The Corporation forbade them to do so?—The Corporation forbade them to present a petition to Parliament purporting to be the petition of the Liverpool Dock Trustees, before that petition had come before the trustees. They stated in their resolution that it was proper that the circumstances relating to the Liverpool Dock Trustees should be brought before Parliament on such Bill, and had the Bill gone on, that would have been done. The objection to the petition was, that it purported to come to Parliament as the petition of the Liverpool Dock Trustees, and it would have been presented before the trustees had ever seen it or had an opportunity of expressing an opinion upon it.

4742. The effect was, that they could not present any petition at all?—It was so, at that time.

4743. That Bill was not persevered in?—No.

4744. There was a great outcry against it?—Yes.

4745. So that it was driven off, and the vestry were induced to give it up?—I fancy when they came to Parliament and found that they were likely to be strenuously opposed, they did not proceed with the Bill.

4746. You mentioned watch rate the other day amongst the burthens of Liverpool. Is there any watch rate levied?—Not actually levied; as I explained the other day, at the time that the parochial authorities were proposing a Bill to rate the Liverpool Docks, they proposed also a Bill to rate the Corporation Estate, that estate being exempt under a proviso in an Act which Parliament had passed to make corporate property liable; it was found that the rates receivable from the Corporation would be about the amount levied as a watch rate, and therefore they agreed that the Bill should be withdrawn, and they would not enforce the payment of the watch rate.

4747. The effect of that was, as I understand it, that the docks were not rated, but the Corporation paid the watch rate out of the town dues, in fact?—Out of the general revenues of the Corporation.

4748. Of which the town dues formed so large a part?—Including the town dues. With regard to rating the docks this year, I was promoting a Bill with reference to Birkenhead Docks; I was sent for by the right honourable gentleman the President of the Poor Law Board, and he stated that representations had been made to him that the liability of the Corporation in respect to rates upon that property ought to be continued, and I stated, so long as those docks were in the hands of the Corporation they were rateable, but that when they were transferred to the trustees of the Liverpool Docks the question might arise whether they would be rateable. I understood from Mr. Bouverie, that the object of his department, at all events, would be to see that those docks were rateable.

4749. Then the effect of this transaction was, that the Corporation first tried to throw the poor-rate on the docks?—Not the Corporation itself; a very large number of people in the town, including many large merchants and dock ratepayers, were of opinion that the great estate of the Liverpool Docks, which brought

brought an immense amount of pauperism to the town, and threw a heavy burthen upon the rates, ought to contribute its proportion. I am not saying whether that view was right or wrong.

4750. Lord *Hotham.*] What time was that?—In 1849, previous to altering the constitution of the dock committee in 1851.

4751. *Chairman.*] Finding that they were seriously opposed, they took it upon their own revenue?—No; they do not pay any rates in respect of the docks; Parliament had declared the principle, that municipal corporations ought to be rateable.

4752. They first tried to throw the rate on the dock estate, and then they took it on their own; is not that so?—They did not first try the dock estate.

4753. They tried to saddle the dock estate with the rate?—The inhabitants did.

4754. And failing that, they took the watch rate upon themselves?—Upon their own property, which was a totally independent question of rating the docks. The Corporation of Liverpool would be rateable under an Act passed since the Municipal Act, for any property which they have, unless it is situate in the parish of Liverpool.

4755. Lord *Hotham.*] In 1849, the time you are speaking of, was not the question of rating the docks one of two questions which were made a test at the Corporation elections?—Yes.

4756. The rating of the docks, and the waterworks?—Yes; and the corporate estate generally.

4757. *Chairman.*] That is, the ratepayers wanted to throw their own burthens on the docks?—As they argued it—I do not say what my own opinion is; they wanted the dock estate to bear the burthen, stating, if those docks were in the hands of a company they would be rateable; there was a very bitter contest upon the subject in the town.

4758. Lord *Hotham.*] I think, in consequence of the excitement which prevailed upon these two questions, it was found that persons who would have been eligible to elect in the Corporation would not come forward?—It was so.

4759. Because they were expected to pledge themselves?—Because they were expected to pledge themselves upon those two questions.

4760. And respectable people shrank from entering into any such engagement?—Yes.

4761. *Chairman.*] Do you think it proves the fitness of a municipal corporation for the management of maritime affairs that they should be liable to such influences?—I am afraid all popular bodies are liable to influence occasionally.

4762. They were liable to influence, in this instance, from persons whom they believed to have an adverse interest?—No, I do not know that.

4763. Was not the struggle upon behalf of the ratepayers to put some part of their burthens upon the shipping?—It was a struggle to make the shipping contribute a portion of the burthens of the town. The parties said if the dock were in the hands of a private company they would be liable to be rated, and they saw no reason, because they happened to be in the hands of a public trust, without beneficial interest, that they should be exempted; that was the argument they raised.

4764. That was quite a legitimate argument on their own interest?—They had the right to argue it.

4765. Had they the right to be entrusted with the government of that body which they sought so to affect?—I think that whoever was appointed the governing body of that trust, unless they were persons not residing in, or paying rates to Liverpool, would have the same interest.

4766. Will you have the kindness to refer to the evidence of Mr. Aikin before the Committee on the Liverpool Docks Bill, page 189, and read the passage commencing, "I think the town clerk was of opinion"?—"I think the town "clerk was of opinion that a bare majority would be sufficient, that if the dock "committee were carrying out the provisions of an Act of Parliament, and acting "in conformity with the clauses of an Act of Parliament, the town council would "have the power to put a stop to their proceedings. In one of the Acts of Parliament it was imperative on the dock trustees to go to Parliament within two years "for power to build warehouses. The town council upon two or three occasions, "actually vetoed the proceedings of the dock committee, when they intended to "go to Parliament pursuant to that direction; every difficulty was thrown in the "way,

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" way, every suggestion was thrown out, all sorts of reasons were laid hold of to " allow the time to slip over, but the town clerk would be able to tell you better " than anybody else; I rather think a hint came from him that the town council or " the dock committee would be placed in a very awkward position if they did not " solicit the Bill. It strikes me there was some strong opinion expressed at that " time; I believe the counsel to whom they applied advised them that they might " be indicted for disobedience to the statute."

4767. There were two or three vetoes Mr. Aikin mentions there which you have not given the Committee an account of; is he correct in what he states?—I have not put those matters before you because they have never been treated as vetoes under the Act of Parliament.

4768. They were not vetoes?—No.

4769. What were they?—A veto requires two-thirds of the members who are present to put it in force; that relates only to proceedings arising under the Dock Acts. When the question of a Bill is under consideration, the council deal with that as trustees, like any other matter.

4770. And they treat the dock committee as a committee, I suppose, of their body?—They treat the Bill as their own, as trustees.

4771. They do not allow the dock committee to exercise any influence over them?—Only as members of the council.

4772. So that they have no occasion for the veto?—We do not use the veto.

4773. It comes to the same thing pretty much, does not it?—A majority of the trustees can decide the question. I can explain the matter to which Mr. Aikin alludes if you think fit.

4774. It was a question in Liverpool whether warehouses should be built?—What Mr. Aikin is alluding to there, is many years subsequent to that contest which took place in 1844.

4775. The warehouse interest was afraid of competition with the warehouses built upon the docks?—Yes; but that is many years antecedent to the point Mr. Aikin is alluding to.

4776. Lord *Hotham.*] Does that struggle on the subject of rating still continue, or has it ceased since the Bill of 1851?—It has entirely ceased; we have heard nothing of it since 1849.

4777. *Chairman.*] Reverting to the subject of the sales of land, and supposing that those juries, instructed as they were, were sufficiently instructed, do you think the principle upon which the corporation went was an equitable one?—I do not see any inequity in it.

4778. Did not the dock trustees, with the money of the dock ratepayers, make this land and give it value?—Yes; but that case will be also explained to you by Mr. Stewart much better than I can explain it; I believe there is great misapprehension upon that subject. In that book of Mr. Webster's which I have just handed back to you; I am not prepared to say who it was, but I think Mr. Hartley, the engineer of the Liverpool Docks, was examined upon that subject, and he said that the fact of their having land upon which to throw the spoil whilst constructing other docks was an enormous advantage to them; but all those matters can be much better explained by other gentlemen.

4779. Do you think the Corporation of Liverpool ought to have extracted the utmost farthing it could get from the docks?—I do not see why the Corporation of Liverpool, in selling land for a public object, should take less for its property than any other person would get.

4780. Was not the land made by the money of the dock ratepayers?—Not in all cases.

4781. In the majority of cases?—Nor in the majority of cases, I believe.

4782. In some cases it was?—In some cases it was, under the circumstances which I have mentioned. In constructing a dock they require a convenient place upon which to deposit the spoil in excavation, and in that process made the land which several years afterwards they required to take for further extension of the docks, as I understand the matter. No such case ever came within my own experience.

4783. The dock committee were powerless to obtain this land from the corporation before they began their docks?—Yes; Parliament would never grant to the dock trustees (at that time it was the rule) more land to be taken by compulsion from anybody than was shown upon the plans which they deposited, would be required for the works which they proposed to construct.

4784. Was

4784. Was this the way Lord Derby and Lord Sefton dealt with the corporation?—I believe both Lord Derby and Lord Sefton were paid the full value of their land upon all occasions of sales.

4785. Do you know how they were paid?—No.

4786. Mr. Bramley Moore, in his evidence before this Committee, states, that in 1844 the corporation had received in round numbers 909,000 *l.* from the dock trustees, and Mr. Hartley, before the same Committee, states that they were then in possession (that is, in 1851) of 47 acres of land made by the docks?—I do not know how that is at all.

4787. I wish to know whether you can furnish the Committee with a full return of the land transactions from 1844 up to the present time, so as to bring history up to the present day?—I will ascertain whether such a return could be prepared.

4788. In 1844 it was 909,000 *l.* on the authority of Mr. Bramley Moore, the chairman, and on the authority of Mr. Hartley, your own engineer; after all those transactions the corporation was in possession of 47 acres of land, made by the works of the dock trustees?—Mr. Hartley acts under the orders of the dock committee, and not at all under the orders of the corporation.

4789. You spoke of the corporation having made a graving dock the other day?—Yes.

4790. Will you have the goodness to refer to the Corporation Report, at page 540, and read the passage opposite the words "graving docks"?—This is a statement made by Mr. Radcliffe.

4791. Who was afterwards town clerk?—Yes.

4792. And at this time was opposing the corporation?—Yes. He says, "I will "now proceed to draw your attention to another part of the bargain to which the "merchants were obliged to submit. The anxiety to possess the graving docks "I have already shown, in referring to the Bill of 1822. The evidence on this "point is pretty conclusive, contrary to what, at one time, I understand was stated "by Mr. Foster. The merchants, all along, desired to possess those docks. They "had power by the Act of 1811 to purchase the whole of them, it being deemed "inexpedient," (I fancy that means expedient) "that they should belong to the "dock trustees. In 1825 that power was abridged, being limited to the purchase "of one of the remaining three, two having been purchased in the meantime. It "is in evidence, as a fact, that the purchase of the two did happen to be made on "the verdict of a jury, at a sum which was thought to be inadequate by the council. "That was immediately prior to 1825, and in 1826 it was that the power to pur-"chase the remaining two was taken away from the dock trust. Now, if you will "allow me, I will here draw your attention to one of the strongest cases of conflict-"ing interests. The common council came to the resolution, with reference to the "two remaining graving docks, that it should be proposed to the dock committee "that they should pay the expense of the maintenance of the docks and the "shipping arrangements, while the corporation should enjoy what I may call the "revenues and profits.—The Town Clerk, That was not stated.—Mr. Radcliffe, Did "they offer to give them up?—The Town Clerk, Look at the resolution; I leave "it to be determined by that.—Mr. Radcliffe, That is unnecessary, unless to "supply the fact I am stating. I say the effect of the resolution is this, that the "Dock Estate were to pay the expense of repairing the docks, and the corporation "to enjoy the rents and profits.—I will now refer you to an observation made "by a gentleman, not long in the Common Council, one of the most eminent "merchants Liverpool ever possessed, and one who, if he had been now amongst us, "would have been able to have given most important evidence. The gentleman I "allude to is Mr. Irlam, who Mr. Leatham states to have said to him, that they, "speaking of the common council, 'ought to consider it a public trust, and not "'think of pounds, shillings, and pence.'"

4793. Can you offer any explanation of that?—These matters took place before my time. Mr. Stewart is fully informed of them, and will explain them. I believe the graving docks were sold by the corporation to the dock estate for very much less money than any other person would have given for them.

4794. You do not know that anything was suggested about an arrangement that they were to do the work, and you were to get the benefit?—No; I see when the town clerk asked Mr. Radcliffe to refer to the resolution, he does not do so; and I suspect the resolution does not carry him out.

4795. Now with regard to the old landing stage, that has been erected, that was made out of the dock estate, was not it?—Yes.

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4796. How does that benefit the dock estate?—I do not know that it does benefit the dock estate at all; that was a matter which was forced upon them in one of the Committees upon one of their Bills, as required by the Cheshire interests, in fact; and the argument they brought forward was, that the dock trust, by erecting the river walls and the sea walls, had prevented the use of the ancient landing-place, and had not provided any other adequate to the purpose. The corporation had nothing at all to do with that Bill; they were not before Parliament.

4797. Are you quite sure of that?—Quite certain.

4798. Be good enough to look at the evidence of Mr. Chapman, given before the Committee on the Liverpool Docks Bill, and read what he says with respect to the landing-stage?—This is the evidence of Mr. Henry Cleaver Chapman: "They "saddled the dock estate with 100,000 *l.* for the maintenance of the landing-"stage, which ought to be done from the 90,000 *l.* a year which the corporation "receives from the town dues. Whenever they could shift the burthen on to the "shipowners, they always did so. Of course it was said that Parliament or the "Cheshire Members did it; but the town council ought to have said, 'No, as "'trustees we cannot do this;' they should have withdrawn the Bill. That is my "idea of common honesty in a trust; the town council can give a sort of colouring "to things. I mean to say, I think the landing-stage was not honestly opposed; "it was a downright act of spoliation; I have always said that it was, and I main-"tain it now, on the part of the corporation. I have no hesitation in saying so. "The 100,000 *l.* furnishes 100,000 reasons, and good ones; the opposition of the "corporation was a sham one. They thought it a very good piece of manage-"ment on their part to get 100,000 *l.* thrown off the corporate on to the dock "estate, and to get the maintenance of this landing-stage thrown upon the dock "committee, instead of doing something out of the town dues."

4799. You state that that is not the case?—Certainly not; the corporation were not before Parliament, and had nothing to do with it.

4800. Then they had nothing to do with getting that clause introduced?—Nothing at all, nor was their opposition to it a sham one, inasmuch as they had nothing to do with the conduct of the Bill in any shape or way; Mr. Chapman is entirely mistaken in that matter.

4801. Is he mistaken in this, that the corporation should not have allowed that to be put on the dock estate?—The corporation knew nothing of the Bill until it came out of Parliament again.

4802. Who was it that appeared?—The dock committee.

4803. They had cognizance of all the proceedings of the dock committee, had not they?—Yes; but the dock committee made no representation to the council as to the propriety of withdrawing the Bill in consequence of that clause.

4804. Have the council no knowledge of the proceedings of the dock committee unless they are represented to them?—We have no knowledge except what appears in their books.

4805. Was there nothing in their books about promoting the Bill?—I have no recollection.

4806. Was it likely they should promote a Bill in Parliament without making some entry in their books?—The original Bill as promoted was approved by the counsel, and did not contain any such provision; that was a clause inserted in the Bill during its progress through Parliament.

4807. The council knew nothing about it?—The council knew nothing of it, nor did they take any part either in promoting or opposing the Bill.

4808. If they did not know it, they could not oppose that particular clause; do you admit that, had they known of it, they ought to have submitted to it?—No; I do not admit that.

4809. Is it not rather hard, however it came to pass, that this landing-stage, which is for the benefit of the inhabitants, should be paid for by the shipping?—I think it is more for the benefit of the inhabitants of Cheshire than Liverpool.

4810. It is on the Liverpool side, is it not?—Yes.

4811. It was not for the benefit of the dock estate, but is rather an injury to it?—I do not think it is any benefit to the dock estate. As town clerk, I have nothing to do with the promotion of dock Bills. I knew nothing of this Bill at all till the Act passed; but as I understand, the reason given in Committee for compelling the trustees to erect that stage was, that they, by constructing their walls,

walls, had prevented parties, owners of ferries, on the Cheshire side, from having the same convenient landing-place they used to have.

4812. What year was that in?—I think it was 1845 or 1846.

4813. At that time 12 members of the dock committee were members oft he council?—Thirteen.

4814. Did they conceal this matter from the rest of the council?—I do not think there was any concealment of the matter. The practice is this, when the dock committee propose to go for a Bill to Parliament, it is framed by their own solicitor, and submitted to the trustees for their approval; when the trustees have approved of it, it goes back to the management of the dock committee, and we see no more of it until it becomes law. The Bill is promoted altogether by the officers of the dock trustees, totally independent of the officers of the corporation, and we have nothing to do with the conduct of any of those proceedings.

4815. You think the council might have known of it possibly?—I do not think the council knew anything about it.

4816. If 13 members knew it, it was not very improbable that it might be known to the remainder?—When they came down from the House of Commons probably they would report it to the council.

4817. Do you think the dock committee would conceal it from the corporation for fear they should exercise their veto upon it?—They are not in the habit of concealing things in that way.

4818. If it was known to the corporation, should they have allowed it to take place?—I do not see, if the corporation had known it, that they could have interfered; if they had said, "Stop this Bill on account of that clause," that Bill contained many important provisions for docks and other works, all of which would have been imperiled.

4819. Mr. *Beamish*.] At whose instance was the clause put in?—At the instance of gentlemen owning the Woodside Ferry, a ferry opposite to Liverpool, and opposing t e Bill.

4820. Was not that pretty notorious at the time?—Yes; but the corporation did not conduct the Bill, and had nothing to do with it: this is the clause in the Act of the eighth Victoria, requiring the construction of this landing-stage, section 23, which says, "And whereas by the said recited Act passed in the "Session held in the seventh and eighth years of the reign of Her present Majesty, "it is enacted, that the trustees shall, within twelve months from the passing of the "Act construct at George's Pier, in the said town, a slip not less than 14 feet "wide, with an inclination of not more than one inch vertical for every 12 inches "horizontal, and shall construct and place at the foot of such slip a moveable "landing-stage, as in the said Act is mentioned. And whereas a slip constructed "in the mode prescribed by the said last-recited Act would be insufficient, and "it is expedient that in lieu thereof a slip or landing-stage of different construction "should be erected at George's Pier aforesaid, as hereinafter provided, be it "enacted, that the trustees shall within three months from the passing of this Act "submit to the Commissioners for executing the office of Lord High Admiral, and "to the Commissioners for the Conservancy of the River Mersey for their approval "respectively, a plan and section of a slip or landing-place to be constructed at "George's Pier, in lieu and instead of the slip or landing-stage mentioned in the "said last recited Act, and the trustees shall within twelve months from the passing "of this Act, and according to the plan and section to be so approved as aforesaid, "construct at George's Pier aforesaid, in lieu and instead of the slip or landing-"stage mentioned in the said last recited Act, a slip or landing place of such form "and construction that steam-boats, not drawing more than six feet water, may, "at all times of the tide, have convenient access thereto; and that passengers, "carriages, and horses may be thereby conveniently landed thereat and embarked "therefrom; and the trustees shall for ever keep and maintain such slip or "landing place in good order and condition, provided that, in case the trus-"tees shall not within six months from the passing of this Act commence the "construction of such slip or landing-place, and complete the same within 12 "months from the passing of this Act, the provision contained in the said "recited Act respecting the erection of the slip or landing-stage therein men-"tioned shall revive, and be of the same force and effect as if this Act had not "been passed."

Jovis, 26° die Junii, 1856.

MEMBERS PRESENT.

Mr. Lowe.	Mr. Milner Gibson.
Mr. Duncan.	Mr. Hardy.
Mr. Headlam.	Lord Hotham.
Mr. Fenwick.	Mr. Cobden.
Mr. Watson.	Sir John Duckworth.
Mr. Moffatt.	Mr. Beamish.
Mr. Vance.	

THE RIGHT HON. ROBERT LOWE, IN THE CHAIR.

William Shuttleworth, Esq., called in; and further Examined.

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4821. *Chairman.*] HAVE you any document to put in?—You asked me the other day to produce the shorthand writer's notes of the trial; this is the only copy I have; and I find, upon looking through it, there are blanks for all the documents; it is a copy I obtained in this way: three or four years ago I wanted to refer to the proceedings on the trial, and I found that we had no copy of the shorthand writer's notes, merely the summing up; so I applied to the shorthand writer who had been employed, and he made this copy from the notes of his father, the trial having taken place above 20 years before; it is the only copy I have. (*The same was delivered in*).

Vide Appendix.

4822. Can you refer me to any passage that shows that the Corporation of Liverpool on that trial claimed the port?—Sir James Scarlett, in his opening speech, says, "You are probably all aware that the greater part of the ports in "England, perhaps all of them, in very early times, were in the possession of the "Crown; that the Crown in early times imposed at its pleasure such duties on the "exports and imports of commodities as it thought fit, which was taken as part of "the annual revenue of the Crown; that in the progress of time those ports have "in some instances been conveyed to private individuals, along with the right to "receive that payment, which at that time was established." He says again, "The "port of Liverpool, along with the town of Liverpool, appears to have been the "property of the Crown at the time of King William the Conqueror." Then he gives an account of the various leases which had taken place, which have been mentioned before the Committee. "The Molyneux's appear to have received "these leases of the possessions of the Crown, including the port of Liverpool, and "the customs belonging to it;" and then he traces afterwards the grant of King Charles, and the purchase by the Molyneux's from the representatives of the city of London.

4823. He nowhere distinctly asserts that the corporation claim to be owners of the port?—He seems to assume it all through.

4824. You pointed out, the other day, that in Mr. Okill's copy of Lord Hale's "De Portibus Maris" there was written the word "error" opposite to that statement, about the port being in the Earls of Chester; have you looked at the close roll to see how that matter stood?—Mr. Hardy will explain that matter. I find in Mr. Molloy's book (I have only the ninth edition; I believe the first edition was in 1670, or somewhere thereabouts); he describes the ports, members, and creeks; and Chester is described as having these members: Lancaster, Poulton, Liverpool, Aberconway, Beaumaris, Caernarvon, Holyhead, Pwlhelly. Amongst the creeks of Liverpool he mentions Sankey Bridge, Frodsham, and the south shore of the River Mersey to the Redstones. This edition I hold in my hand is called the ninth edition, printed in 1769.

4825. When was the first edition printed?—I do not know exactly.

4826. With regard to the freemen, you stated how it is when a freeman imports goods, he is not charged the town due?—No.

4827. Supposing he has a partner, how is it managed then?—If he has a partner, the

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the certificate is sent to the Town Dues Office, that a portion of the partner's interest in those goods belongs to him as a freeman. Supposing he has one-fifth of the goods, one-fifth of the town dues are taken off.

4828. That is, remitted to the firm?—Yes.

4829. Is the decree by which Molyneux asserts his rights against the Corporation of Liverpool, in the reign of Philip and Mary, relied on by you as part of your title?—We put it in as a part of the case, as showing the whole transaction together.

4830. You do not rely on it as ascertaining any rights; I thought it was relied on by you as showing what the Crown took?—I put it in as showing the nature of the whole transaction, and to have its effect, as in a court of law, for what it is worth.

4831. You put it in, but you will not say you rely upon it?—I do not say I rely upon it, or do not rely upon it.

4832. That decree, which established the rights of the Crown against the Molyneux's, takes away the exemption of the freemen, does not it?—It states that freemen, as well as others, are not exempt.

4833. That part of the decree you do not acquiesce in?—No; it seems to be inconsistent with all the usages and customs there.

4834. With reference to Frodsham, will you have the kindness to read that extract from "Ormerod's History of Cheshire?" (*handing a paper to the Witness*)—After having read the notes of my evidence of the former day, I must state that I read these extracts at your request; it is not my evidence, otherwise it might appear that I had given them in evidence. "Ormerod's History of Cheshire," vol. 2, p. 31; extract from "Extent of the Manor of Frodsham, 8 Edward 1, on Treason of David, brother of Llewellyn, Prince of Wales, who then held the Manor: 'Exitus Tolneti perveniens de Navibus arrivientibus ad Portum, ibid., val. p. ann. 10 *l.*' "

4835. That is a toll on ships arriving at the port of Frodsham of 10 *l.*, in the 8th of Edward the 1st?—The manor of Frodsham he calls it here.

4836. The manor and port, is it not?—The grant is of the manor of Frodsham.

4837. In the thing itself it says the port "arrivientibus ad Portum"?—Yes.

4838. That is 12 years before the inquisition of wreck, which was in 1292, with regard to Crossby being in the port of Liverpool?—I forget the exact date.

4839. Now, in No 57, in the Appendix to your evidence in the documents you gave in, there was a lease of the 4th & 5th of Philip and Mary, to the mayor and burgesses of Liverpool; it is a lease from year to year by Molyneux, after the law-suit was terminated, under which they held so many years?—That is a lease made the 7th of October, the fourth and fifth year of Philip and Mary.

4840. You will see, I think, that the lease contains the profits within the town or borough of Liverpool; is it not so?—They "demise, set, and to farm "let, and by these presents do demise, set, and to farm let to the said mayor and "burgesses of the said town and borough of Liverpool, the farm of the said town "and borough, with all and singular issues, profits, and commodities arising, "coming, and growing, which in the said town or borough, which they the said "Sir Richard and William, or any of them, have, or ought to have, by reason of a "lease and demise thereof unto them made under the seal of the Duchy of Lan-"caster, excepted, and always forprised and reserved all the mylus standing and "being in the said town or borough."

4841. What I want to call your attention to is, that under that lease the corporation claim to levy town dues upon ships going to Frodsham?—They claim to have the farm of the town of Liverpool.

4842. They claim to tax at Frodsham and Bootle?—They claim all the toll arising from the farm of the town.

4843. I am speaking of the entries of 1657 and 1672, with which you are familiar; does not it appear under those that they claim to levy tolls on ships going to Frodsham?—Yes.

4844. To Warrington and to Bootle?—All over the port.

4845. You observe that the word "lordship" does not occur in that lease?—No; the "farm of the town."

4846. Can you offer any explanation of that? You tell us that the word "lordship" carries the port; the word "lordship" is not there, but they seem to have acted just the same?—This is one of the inconveniences, I respectfully submit,

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submit, of my discussing questions of law. I am not competent to decide what is the legal effect of all these instruments.

4847. I will turn again to No. 59 in the Appendix, the settlements in the Molyneux family?—That was put in by Mr. Stanistreet.

4848. I see in those settlements the words "town or lordship" occur five or six times over, and never "town and lordship;" have you anything to remark upon that?—No.

4849. I wish to call your attention to Nos. 51, 52, 54, and 59, in the Appendix, where you will find that those words are used uniformly in the parcels, "town and," "or lordship," sometimes one and sometimes the other, with the appurtenances, in the county of Lancaster; do you claim that that deed would carry appurtenances not in the county of Lancaster?—Yes. I think the meaning of that lease would not be limited by those words; it would mean the whole property conveyed, whatever it was.

4850. You think the words, "county of Lancaster" coming after "appurtenances," would not with regard to them belong to the lordship?—Not with all the explanation which we have been able to give on other points explaining those words by the user under them.

4851. Is there anything which you have to state in correction of your evidence?—Not that I am aware of.

4852. I understood you to state on Monday that the corporation had no knowledge of the proceedings in Parliament with reference to the landing stage, and that it was the act of the dock trustees on the one part, and of the people of Cheshire on the other; was not that the substance of your statement?—You put into my hands the evidence given by Mr. Cleaver Chapman, and, as I understood, he intended to convey the impression that the corporation had either been parties to obtaining the insertion of that clause into the Dock Bill, or that they had offered what he called a sham opposition; all I intended to say was this: that the corporation, as dock trustees, having examined that Bill previously to its introduction into Parliament, took no part either for or against the promotion of the Bill in any shape or way during its passage. I do not mean at all to say that after the Act had passed, the proceedings in relation to the stage did not come in the ordinary way before the corporation.

4853. I am speaking of the time before the Act passed?—After they approved of the Bill, they took no part in it in any way.

4854. They approved of a Bill which did not contain that clause?—Yes.

4855. Was that the first time that the question of accommodating the public passing over the ferry to Cheshire had been brought under the notice of the corporation?—No.

4856. When had it been before the corporation?—The corporation for several years had a stage there; and in the previous Dock Act, I think the 4th of Victoria, under which they were authorised to construct sea-walls at the Albert Dock, a clause was inserted requiring them to erect a landing stage there, or landing convenience.

4857. Do you refer to the 7th & 8th Vict. c. 80, c. 115 & 118?—I think there is a clause before that.

4858. Will you have the kindness to refer to that?—The 6th clause in the Dock Act, the 4th Vict. c. 30, contains these provisions: "Gower-street to be continued and widened;" "River wall to be made and maintained by the trustees;" "Power to make slips and stairs;" "A parade for recreation of the public to be "made on the embankment." Then the clause goes on, "Provided always, that "in case the said trustees shall construct and agree to maintain for the public "use, at St. George's Pier, another slip, as wide and convenient as may be for "landing carriages, passengers, and animals of every description, and shall also "place and agree to maintain a landing-stage, and other conveniences, at the foot "of the said additional slip, adequate for landing and embarking passengers, carriages of every description, horses, and other animals, and goods, directly upon or "from such stages and conveniences, from or on board of vessels drawing as much "water as steam-boats drawing at least five feet water, it shall not be compulsory "upon the said trustees to make the landing slip and stages as hereinbefore "described:" that is the landing-stage which they are to make in that new wall.

4859. Will you refer to the 7th & 8th Vict. c. 80, ss. 114, 115?—The 7th & 8th Vict. c. 80, s. 114, says, "And be it enacted, that the said trustees shall, within twelve "months from the passing of this Act, construct, at Saint George's Pier, in the said town,

" town, a slip, not less than fourteen feet wide, with an inclination of not more " than one inch vertical for every 12 inches horizontal, and shall construct and " place at the foot of such slip a moveable landing-stage of fourteen feet wide, with " sufficient rails or chains, or other protection, for passengers, on the sides thereof, " and shall place the said stage so that steam-boats, drawing not more than six feet " water, may at all times of the tide have convenient access thereto, and so that " passengers, carriages and horses may be conveniently thereby landed and " embarked; and the said trustees shall provide the said landing-stage with a suffi " cient number of men, and work the same, and shall keep and for ever maintain " the said slip and a landing-stage as aforesaid in good working order and condi " tion." Section 115 says, " And be it enacted, that the said trustees shall con- " struct and form, within the space of twelvemonths from the passing of this Act, " two flights of stairs in the face of the present wall of Saint George's Pier, in the " said town, at an easy inclination, and not of less than twelve feet in breadth, and " maintain the same in good order and condition."

4860. Then the effect is, that the dock trustees were bound by that Act of Parliament to do those things?—Yes.

4861. So that the Cheshire gentlemen only insisted upon their performing what they were bound to do under the Act of Parliament?—They altered the mode of constructing it in that Act. I believe the present stage is the result of what was inserted in those various Acts of Parliament.

4862. Still the obligation was upon them when they went before Parliament?—Yes. This obligation was inserted in this Act by the same request.

4863. Also without the knowledge of the corporation?—Yes; as I explaine before, we had nothing to do with the promotion of Dock Bills.

4864. Except that you had the power to veto anything which you did not like?—Yes; but those provisions were none of them, as far as my recollection serves me, in the Bills as they were first drawn.

4865. When they were inserted in the Bills, then they came to the knowledge of the corporation?—The Bills did not come before the corporation a second time.

4866. When they were passed, they came to the knowledge of the corporation authorities in their character of dock trustees, did not they?—Certainly.

4867. Did not the corporation know when the dock trustees went to Parliament that they were under this obligation?—Yes.

4868. Did they take any means to remove that obligation from the dock trustees to place it on the corporation?—No, not that I am aware of.

4869. I wish briefly to call your attention to the land transactions at Wallasey Pool. The corporation purchased, I believe, large tracts of land at Wallasey Pool on the north and south sides between 1824 and 1828?—Yes, about that time.

4870. Can you state the amount of money that the corporation paid for that land?—No, I am not prepared to state the whole amount; our surveyor is here, and he can give it to you.

4871. You would rather not state the details about that transaction?—No; none of them at all came within my own cognizance.

4872. Nor the exact amount?—No.

4873. Do you know the object with which that land was purchased at Wallasey Pool?—I stated the other day the reasons given by Mr. Foster before the Municipal Inquiry, and I read the proceedings which took place before that inquiry, when this subject was investigated.

4874. Did not Mr. Foster state that it was with the view of keeping down the rival port of Birkenhead?—Mr. Foster produced then the notices which were given, or proposed to be given, by the corporation, which were sent to the Dock Committee, and rejected by them, upon the ground that they did not think docks there were necessary; I read those resolutions.

4875. You did not read the passage in which Mr. Foster stated before the Municipal Corporation Commissioners the object which the corporation had in view?—I stated his explanation of it. There is no doubt, as was stated at the time, that it was done with the object of preventing the establishment of a rival port.

4876. Were not the corporation accused before the Municipal Commissioners of extravagance in the matter, and of having made a bad investment of their corporate funds?—It was thought to be a very large purchase, and that high prices had been given.

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4877. The allegation was, that the purchase paid a very small interest, and the answer was, that it was not an improvident purchase, because they did it with the view of preventing the competition of a rival port?—That was not quite Mr. Foster's answer altogether.

4878. Will you refer to page 496 of the Corporation Report, and read the passage against which there is the word "Wallasey"?—"In reference to this part "of the subject, I will now revert to the purchase of the Wallasey property. "That property, as you have already heard from evidence which has not been "disputed, was intended to be devoted by its former owner to the purpose of "establishing a rival, rather than an assistant to this port of Liverpool. You have "also heard that it was to be executed as a private speculation, and that its accom- "modation was set up in opposition to those of the port of Liverpool. Whether "those members of the council who advised and completed the purchase at "Wallasey, to prevent this establishment, at the moment when they did so, "exercised the soundest discretion, is a question I do not pretend to answer; "but this is indisputable, and it is material that the fact should be upon your "notes, that there was such a scheme then in progress. At all events, that pur- "chase cannot be charged to the corporation as an act of wilful waste and prodi- "gality, because you have it in evidence which is not disputed, that the property "is worth at this moment more than was given for it. Whether the establishment "of a port at Wallasey was or was not a desirable project for the encourage- "ment of trade and merchandise, I do not pretend to know; but as the common "council were the natural protectors of the rights and interest of Liverpool, I "contend that they could not have expended their funds in a way more conducive "to the advantage and the interests of the port, than by the steps they took to "prevent the establishment of a commercial rival on the other side of the water "if they sincerely thought that it was in actual contemplation."

4879. "Loud cheers"?—Yes.

4880. The corporation held this property till 1844, did not they?—1843 and 1844; leases of it were given at an earlier period, but to a small extent only.

4881. Did not they hold the great mass of that land till 1844?—They held the great mass of it till 1843-44.

4882. At that time was not a scheme got up for making docks at Birkenhead, and making it into a sort of rival port to Liverpool?—In November 1843 notices were published of an application for a Bill to make docks at Birkenhead.

4883. What was the conduct observed by the corporation with respect to that scheme; did the corporation immediately give notice of opposition?—Previously to the publication of those notices, the corporation had sold or granted long leases of a very considerable quantity of the land, and after the publication of the notices, they sold other portions of the land, it having been previously announced by a resolution, which the council published in the newspapers, that if the Bill contained anything contrary to the rights of the corporation, it would be opposed. It did contain provisions contrary to their rights, and, amongst others, a clause which provided that no town dues should be payable at Birkenhead; and the corporation opposed the Bill on that ground, and on the ground that the scheme as proposed would, by the abstraction of a large quantity of water, be injurious to the general navigation.

4884. A statement was made by Mr. Potter on this subject before a Committee of the House of Lords, to which I wish to call your attention, in order that you may offer any explanation of it (*handing a book to the witness*). Will you read the passage that is marked?—"On the 30th of October that purchase was con- "firmed by the council, and on the 6th of December afterwards the matter was "mentioned in the council; Mr. J. Holmes moved for a special committee to "consider the Birkenhead Dock plans, speaking in the spirit of opposition to "them, and he had no seconder in the council; then, on the 3d of January, the "council determined to make further sales, and they advertised for a sale on the "18th of January; I attended; there was a crowded room. The question was "asked by some one of the solicitors, whether the power to make docks was "included, for the advertisement was couched in very general terms. The "surveyor at first said, Yes; but it was wished to have it more distinctly before "the parties, and they sent for the town clerk. He came, and said he had no "authority to that effect; consequently no sale took place. Then they advertised "afterwards on the 10th of February for the sale of the remaining land on the "29th, the condition in that advertisement being, that it was to comprise liberty

"to

"to make docks, basins, slips, and similar works. On the 29th of February, "there was no purchase made, offers not being equal to the reserve bid, but "tenders were invited, and some were sent in. I sent in one for a piece of land "adjoining my former purchase for 17,000 or 18,000 yards. I offered 14 *s.*, "which was understood to be about what would be taken; they required 16 *s.*, "which I agreed ultimately to give. For that I have the power of making docks. "The sales came before the council on the 5th of March; they were reported by "the Finance Committee on that day; and on the 6th they presented their petition "against the docks. Prior to that day I had not any intimation of any intention "on the part of the corporation to oppose the general plan of making docks at "Birkenhead. Four-fifths of the land which they have sold was sold after the plans "were lodged, and notices given, and the matter was before Parliament. They "could not have sold the land at all, except upon the faith and belief that docks "would be made according to the plans which were then deposited."

4885. Is that a correct representation of what happened?—Not exactly, I think.

4886. Will you offer any correction of it; it seems to convey, at first sight, a serious charge against the corporation?—The town clerk was then Mr. Radcliffe, my predecessor; I was then the deputy town clerk, and proceedings with regard to the sale of land were not within my department at all, and I had nothing to do with them; but previously to that time I had been instructed to submit to engineers those plans, and we had a report brought in that the docks would be injurious constructed in that way. The corporation did not object to the making of docks at Wallasey Pool, which they said might be made without encroaching so much upon the tideway as to abstract a large quantity of water. The Bill also contained the clause to which I have alluded, that the town dues should not be paid at Birkenhead. It was in my department to prepare a petition, and carry on any opposition which might be directed in Parliament. If it be the fact that the petition was presented the day after those sales, it was a matter of pure accident; I was in London, attending to that business, and had no knowledge of what was going on at Liverpool.

4887. Is it the fact that Mr. Holmes moved a resolution in the council to oppose this Bill in December, and could find no seconder?—No.

4888. You do not know whether, in January, the council declined to sell the land?—In January, or at all events in February, I know the chairman of the Finance Committee announced, that if the Bill contained any provisions to which the corporation objected, they should oppose it; that was the last Wednesday in February.

4889. Of course if they objected to it, they would object, that is about what it comes to?—If the Bill contained anything they thought objectionable to their interest, they said they should oppose it.

4890. Can you mention anything which they did to put the purchasers on their guard in any way?—No, I cannot mention anything.

4891. Can you state what they got for this land?—I do not know the aggregate amounts.

4892. Do you know at what rate per yard that land was sold?—I believe, taking the average price over the whole of the land, the price received by the corporation was about 8*s.* 2*d.* a yard, or something of that sort.

4893. Do you know what price they bought it for?—I do not know the amount.

4894. Were not the leases to which you have referred leases for 75 years?—Yes, they were leases for 75 years.

4895. It had been a very losing purchase to the corporation hitherto, from Sir John Tobin, Mr. Laird, and those from whom they bought in 1828, had it not?—The rents received for it were quite inadequate to pay the interest on the purchase-money.

4896. They had to borrow money at $4\frac{1}{2}$ per cent., and they received about 1 per cent., or less?—They had to borrow money, for which, of course, they paid interest, and the rents received would no doubt be quite inadequate to keep down that interest.

4897. Would the corporation have been able to sell the land if it had been supposed that they meant to oppose the Bill?—I have no doubt of that. Their opposition was not to the making of the docks in the land; in fact their plan for carrying out works before they knew of this application to Parliament at all was to have constructed river walls in front of the land there; to have deepened the

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pool, and made it a convenient place for trade in connexion with the port; they did not object to making the docks in the land, but they did object, as I said before, to the plan proposed to Parliament, whereby that great abstraction of water, as it was contended, would take place.

4898. Has it been the policy of the corporation ever since not to object to Wallasey Pool being made into a port?—The corporation did not contemplate docks, except in connexion with the particular trades which would be carried on there. Their object was to carry on large manufacturing trades; anchor-smiths, ship-yards, and other mercantile works of that description. I do not mean to say that they contemplated themselves the construction of mercantile docks in the ordinary sense of the term, but docks in connexion with trades carried on in the pool.

4899. Lumber docks, were not they?—No, not lumber docks; docks which any person might use in connexion with his own trade.

4900. Then they changed their view from the time this purchase took place, and they were no longer anxious to prevent the establishment of a rival port?—They opposed the docks at Birkenhead, constructed as they were intended to be constructed.

4901. Has not the corporation opposed everything that has been proposed on behalf of Birkenhead, without exception?—No. They opposed a Bill in the next Session, by which it was proposed by the gentlemen who obtained those leases to take the reversion from the corporation.

4902. Is there anything which Birkenhead has applied for from Parliament which has not been opposed by the corporation of Liverpool?—There are a great many Birkenhead Bills to which they have never offered any opposition at all.

4903. Can you state what they have opposed?—As far as my recollection goes, the first opposition I had anything to do with, with respect to Birkenhead, was the Birkenhead Docks Bill of 1844.

4904. In that case the Birkenhead people carried their point, did not they?—It was carried. Then, in 1845, they proposed to introduce a Bill to take the reversion of that property of which they had obtained leases before, and the corporation opposed that Bill.

4905. What happened to it?—It was carried; I do not believe the corporation have offered opposition, as far as my recollection goes, to any Birkenhead Bill since that time.

4906. There are only two Birkenhead Bills which have been opposed by the Liverpool corporation?—I do not recollect any more Dock Bills that they have opposed.

4907. Last year there was a Bill passed, was not there, for the amalgamation of the Birkenhead Docks with the Liverpool Docks?—Yes.

4908. Did not the corporation of Liverpool then come under an obligation to amalgamate the Dock Estates of Birkenhead and Liverpool?—They came under an obligation to introduce an Act this Session for certain objects which were specified.

4909. Was not that one of them?—They came under the obligation which is contained in the 19th clause of the Birkenhead Dock Act of 1855: "And "whereas it is expedient that the Birkenhead Docks should with as little delay "as possible be constructed and completed in such manner as may render them "most available for the commercial purposes of the port of Liverpool in con-"nexion with the Liverpool Docks, and that the same rates, dues, and charges "should be levied in respect of the Birkenhead Docks as are now or may here-"after be levied in respect of the Liverpool Docks, and that all the said docks "should be placed permanently under the same control and management, and be "consolidated with, and become part of the existing estate of the Liverpool "Docks; be it therefore enacted, that the corporation shall, and they are hereby "required, either alone or conjointly with the trustees of the Liverpool Docks, "to prosecute a Bill in Parliament in the next Session for obtaining the requisite "powers for accomplishing the several objects aforesaid."

4910. They introduced a Bill into Parliament this Session, did not they?—They did.

4911. Did that Bill contain any powers for the amalgamation of the docks?—It contained power for causing the Birkenhead Docks as constructed to be vested in the Liverpool Dock Trustees.

4912. Not for the amalgamation of them?—Not for their becoming the property of the Liverpool Dock Trustees, because they were not in a financial position to take them, and assume their liabilities.

4913. Was not the Bill of last Session compulsory in that respect to require them to take the Birkenhead Docks, whatever position they were in?—The obligation is expressed in the words which I have read to you.

4914. There is no qualification whatever, is there?—We prepared our Bill in such a form as we believed we should be able to give satisfactory explanations to the Committee of the House of Commons: the Bill was rejected on other points.

4915. You did not comply with the requisition of the Bill of last year in the respect which I have pointed out?—We did not comply with that part of the provision which proposed to vest this property in the Liverpool Dock Trustees, for the reason I have stated, that they were not in a financial position to assume the liability.

4916. What was that liability?—£. 1,143,000 worth of bonds are now issued.

4917. How was it that they were in a position, or believed to be in a position, to spend the 3,500,000 *l.* which they came to Parliament for power to spend?—The Liverpool Dock Trustees proposed to borrow altogether 3,500,000 *l.*; but 1,000,000 *l.* of that was for the construction of warehouses at various periods, where, and as required, which would have realised an immediate interest. Other portions of that money were for the completion of works which they then had in hand, and which would yield an immediate interest when completed, and other portions were for the extension of their docks when and as the state of trade required. Therefore, the payments for that description of work would have been spread over a great number of years. In this case, the interest would have accrued immediately, and the revenues would have been inadequate to provide the interest.

4918. So that the dock trustees were in a position to borrow 3,500,000 *l.*, but not 1,143,000 *l.*?—It does not follow that, because the dock trustees took power to borrow 3,500,000 *l.*, they would have borrowed all that money immediately; they would have taken it up by degrees, as the exigencies of trade required the expenditure. In this case they must have become immediately answerable for a debt of 1,100,000 *l.* and upwards, and have to expend a large sum of money to make the docks productive; therefore, there would have been an immediate payment of interest, say upon a couple of millions, which it would require to complete the Birkenhead docks without any return, the effect of which possibly would have been to increase the dock rates at Liverpool in order to pay for those claims.

4919. You do not think the rivalry at Liverpool had anything to do with it?—I do not think there is any rivalry of that sort at all. The interest of the Liverpool corporation is to develop the place.

4920. There have been two rival plans for the construction of the Birkenhead docks, have there not?—Yes.

4921. One by Mr. Hartley and one by Mr. Rendel?—Yes.

4922. The plan which Liverpool has always supported has been Mr. Hartley's, has it not?—Mr. Hartley only designed that plan since the passing of the Act of last Session.

4923. Had there not been something of the kind before?—No, not that I am aware of.

4924. Mr. *Hardy.*] Was not there a plan by Mr. Abernethy?—Yes; the first plan was Mr. Rendel's; then the trustees of the Birkenhead Docks doubted whether that plan was a sufficient and proper plan, and they themselves introduced a plan under the auspices of Mr. Abernethy.

4925. *Chairman.*] The Committee of this year have decided against the corporation of Liverpool on that point also, have they not?—They have.

4926. Do you feel in a position to state, on behalf of the corporation, to the Committee, whether you think this matter could in any way be settled, compromised, or altered, with regard to these town dues?—I do not feel authorised to state anything of the sort.

4927. Mr. *Headlam.*] Before the recent Bill was introduced into Parliament, was any communication made to the corporation of Liverpool with reference to the settlement of these dues upon any principle of compensation, or otherwise?—None whatever that I am aware of; and I believe none has been made.

4928. Mr. *Vance.*] You mentioned in your evidence the other day that the

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corporation of Liverpool do not claim to increase these dues; upon what do you found that statement?—Upon the universal practice: there are, as appears by these tables, a few articles in respect to which, apparently, there has been an increase; but I believe, if the explanations were fully given, that apparent increase is owing to some difference of package, or circumstance of that sort; we do not claim the right to increase the dues.

4929. Is there anything in the grants or charters, under which the corporation are acting, to prevent them from increasing the dues?—I think, after they have once fixed the due, it would be the law. I only express what, in my opinion, is correct; they would not be authorised to increase it.

4930. You think the increase which is observable in the dues on some articles, is only apparent, and not real?—I believe many of them can be explained. There may be an alteration of the package, and some of the alterations may be clerical errors, as I pointed out the other day. I happened to look by accident at a table, and I found "wainscot boards" one item and "boards, wainscot" a different item, though referring to the same article.

4931. Would not the corporation desire to have the power, by an alteration of the clause in the Municipal Act to decrease some of the dues which are found burdensome and oppressive?—They would very much desire to have that power. If they had had the power, it would have been exercised, to my own knowledge.

4932. *Chairman.*] Does your observation with regard to packages apply to anchorage?—No.

4933. Do you think it applies to coals; the town due upon coals was once 1 *d.*, and is now 2 *d.*?—I cannot tell under what circumstances the alteration about coals took place.

4934. Sir *John Duckworth.*] Has the corporation of Liverpool taken any legal opinion in respect to their inability under the Municipal Corporations Act to reduce the dues, or is it merely the opinion of the corporation, without having taken legal advice?—We took the opinion of a gentleman who is now on the Bench, and he was of opinion that they had no power to reduce the dues, and practically we could not do it.

4935. Who was that gentleman?—Mr. Justice Crompton, when he was at the Bar, of course.

4936. *Chairman.*] The Municipal Act requires the assent of all the bondholders before the dues can be reduced?—Of the majority in number and amount.

Mr. *John Weightman*, called in; and Examined.

Mr. *J. Weightman.*

4937. *Chairman.*] YOU are Surveyor to the Corporation of Liverpool, I believe?—Yes. I have to produce a plan showing the improvements which have been effected from time to time by the corporation of Liverpool (*producing a Plan*).

4938. Lord *Hotham.*] When did those improvements begin?—In 1786; under the Act of 26 Geo. 3, c. 12, the corporation of Liverpool made three new streets leading down to the docks.

4939. *Chairman.*] Shortly after the passing of the Act?—No, they took some years; they made Brunswick-street, Back Castle-street, and Exchange-street West. Then they widened and improved, wholly or in part, the following streets: Castle-street, High-street, Water-street, Dale-street, Fenwick-street, Pierson's-row, and Derby-square. That exhausted the powers of that Act; then, under 1 Geo. 4, c. 13, which was passed in 1820, they made Manchester-street, and widened and improved, wholly or in part, the following streets: Old Hall-street, Tithebarn-street, Chapel-street, all of which are in the neighbourhood of the docks. They also made Moorfields, and a further improvement in Water-street, which had already been improved under the Act of 26 Geo. 3, and a new street, called Covent-garden. Under 7 Geo. 4, c. 57, which was passed in 1826, they widened and improved, wholly or in part, North and South John-street, South Castle-street, Hanover-street, Lord-street, removing east side of Derby-square; Harrington-street, James-street, a continuation of Covent-garden, Launcelot's Hey, Great Howard-street, and Earle-street; all of which streets were in the vicinity of the docks. They also widened and improved, wholly or in part, Scotland-road, Barrington Bush, to facilitate the approaches from the north end of the town to the docks; and the Old Haymarket, St. John's-lane, to facilitate the approaches from the eastward of the town to the docks and the railways. Then they

they took powers to improve other streets in other parts of the town, which have been carried out; St. Ann's-street Northwards, also Byron-street, Edward-street, and Shaw's Brow. Under 11 Geo. 4, c. 15 the corporation took power to improve the new boundary of the town from Richmond-row to the north end of Great Horace-street, and thence made a new street northwards and westwards, to communicate with the docks; and Beacon's Gutter, and called Boundary-street. Under 1 Vict. c. 115, they widened and improved Canning place, that is, round the new Custom-house; Cooper's-row, close to the Custom-house; Hanover-street, in the same neighbourhood; Queen-street, and Launcelot's Hey, both close to the Prince's Dock; Fenwick-street, running from Water-street to the Brunswick Dock; James-street, which runs down to the docks; Lime-street, New Haymarket, Shaw's Brow, Packer-street, Elliott-street, and Great Charlotte-street, which is between the London and North Western Railway and the docks. The plan which I have produced shows the whole of those improvements, and likewise improvements which were contemplated by the corporation in 1854, to improve the approaches to the docks, and the means of transit to the north and south ends of the town, along the docks, which were not carried out.

4940. Can you state anything about the churches which have been built?—No, I had nothing to do with the building of the churches, excepting the completion of two or three that were in progress.

4941. Can you state anything with regard to St. George's Hall?—No, I had very little to do with St. George's Hall; St. George's Hall was under the care of Mr. Elmes, and after his death it was under the care of Mr. Cockerill.

4942. Mr. *Milner Gibson.*] Are all the streets to which you have alluded in connexion with the docks, are not some of them remote from the docks?—Very few of them are remote; if you look at the plan, you will see the whole of the streets I have recited.—(*The Witness explained the Plan to the Committee*).

4943. You cannot call many of them streets in immediate connexion with the docks?—These are streets in immediate connexion with the docks (*pointing out the same*); North and South John-street is more used in connexion with the docks than almost any street in Liverpool.

4944. *Chairman.*] Can you state at all what the dock trust has done with regard to streets?—I cannot state, exactly.

4945. What you have been stating has all been done by the corporation, not as dock trustees?—Yes.

Francis Shand, Esq., called in; and Examined.

4946. Lord *Hotham.*] WHAT is your occupation?—A merchant at Liverpool.

4947. With what parts of the world do you trade?—Both to the East and West Indies.

4948. Are you a freeman of Liverpool?—I am.

4949. It has been stated by a witness before this Committee, that he attributed the loss of his forwarding business to the charges on the articles in which he deals being greater in Liverpool than in London; he told the Committee that 1*d.* a package is sufficient to divert the trade from Liverpool to London; that it is to this cause that he attributes the diversion of the trade from Liverpool to London; are you of that opinion?—Certainly not, it being a matter of indifference in other respects, I should say 1 *d.* or 2*d.* a package was of no consequence whatever; he speaks in regard to Ceylon more especially.

4950. Can you give any information with regard to the trade with Ceylon?—I ship to Ceylon, and though I should be exempt from those charges in Liverpool, I adopt the course of shipping in London.

4951. Though you are a freeman of Liverpool, which would exempt you from certain charges, you ship in London?—Yes, because the advantages are so much greater.

4952. In what mode do you send your goods to London?—A large shipping broker collects the various shipments, and by an arrangement with the London and North Western Railway Company for a large amount of goods, he has a deduction in the rate to such a degree, that with the very low rate of freight in London, which the competition amongst the ships going to the East Indies produces, he is enabled to put them on board at a cheaper rate than I can do it at Liverpool.

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4953. Owing to the competition in London, freights from thence are lower than they are at Liverpool?—Yes; London being a much larger market for Eastern productions, of course attracts there a much greater number of vessels, and they obtain, I believe, a better rate of freight for the heavy goods than we do in Liverpool, and they are very earnest competitors for the lighter goods of Manchester; they have merely to give them into the hands of the shipping broker, and he in due time puts the bill of lading into our hands; he is the shipper; he indorses the bill of lading for the particular quantity of goods, and you have no more trouble about it; we find that there is a very considerable saving by adopting that course.

4954. When did you make your last shipment to Ceylon?—Within the last 12 months. I have goods going now. It is a system adopted as much by London merchants, I believe, as by Liverpool merchants. I saved, I dare say, upon the last shipment about 30 *l.*; the town dues I should have had to pay upon those goods would have been 14 *s.* or 15 *s.*, and I saved, I suppose, 30 *l.* in the rate of freight and charges.

4955. Instead of saving 15 *s.* at Liverpool, you saved 30 *l.* by sending to London?—That was so; but being a freeman, I should not have had to pay the 15 *s.* I have nothing to pay for those dues, which the witness seems to say, induces a diversion of trade from Liverpool to London.

4956. You do not concur in opinion with Mr. Pierson, that it is owing to the town dues that trade is diverted from Liverpool to London?—Not on that account, certainly.

4957. Mr. *Milner Gibson.*] Must not the town dues tend to increase the disadvantage under which Liverpool labours, as compared with London?—In proportion to the value of the goods, the town dues, generally speaking, are so trifling, that they are almost inappreciable. The town due is not more than a farthing upon a hundred-weight of sugar. It is 4 *d.* upon a chest of indigo, which is worth 50 *l.*, and those charges I conceive can have very little influence upon the direction the trade takes.

4958. *Chairman.*] Do you send salt to the East from Liverpool?—Yes I think that is perhaps the only item on which the charge is large.

4959. The town due on salt is very appreciable, is it not?—I think it is objectionable as regards salt, and it would have been reduced long ago, if the power to reduce had existed.

4960. Was not the charge redued on salt in 1834?—I do not know; I never ship salt.

4961. Do you consider that the town dues of Liverpool must go on in their present state for ever, or have you any suggestion to make for putting an end to the matter in any way?—I have no authority to make any such suggestion. I think that they ought to go on. I think the town is entitled to them; but I am also of opinion that they ought to be looked into and arranged, so that everything should pay as nearly as possible in proportion to its value.

4962. Mr. *Milner Gibson.*] You say that the town is entitled to them; do not you think that the industry of Lancashire and those districts is also entitled to be relieved from them?—I do not know that you have a right to take away that to which one section of the country is entitled, for the benefit of those who have pushed their position in spite of it.

4963. You are aware that those parties set up a title to be relieved from them?—Yes; I have no doubt that we all try to get rid of as much charge as we can; the very reason why we ship our goods in London instead of Liverpool is because we get rid of a certain amount of charge; it would be, of course, more agreeable to me to have my goods in my own hands.

4964. *Chairman.*] You think that the town dues must go on increasing; they will soon be 200,000 *l.* a year at that rate, will not they?—If that is the case, trade must increase in the same proportion.

4965. You see no other solution than to allow them to go on rolling up?—I should not venture to give an opinion upon the subject; if the thing were to be considered, that is quite a different matter.

4966. Mr. *Milner Gibson.*] Being a freeman yourself, you do not take the same interest in the matter which those people do who have to pay the dues?—I was never sensible that the exemption was deemed an advantage until this inquiry took place, and I never looked to see what the advantage was.

4967. It was not worth your while, as you had not to pay them, to trouble yourself

yourself about them?—They are inappreciable as regards the property that I pass through London.

4968. Lord *Hotham.*] You said that you put yourself upon the same footing as a non-freeman; what did you mean by that?—By shipping through London.

4969. *Chairman.*] You do benefit to some degree by the exemption, I presume?—Undoubtedly, to the extent of the property that I import or export through Liverpool.

4970. You do not import and export everything through London, do you?—No.

4971. Can you state what you gain by being a freeman, or rather what you do not lose?—I never looked very particularly into the matter; but I should think from 80 *l.* to 120 *l.* a year.

4972. Mr. *Headlam.*] Do you think, as a matter of fact, that the dues have been the cause of diverting trade from Liverpool to London?—Decidedly not.

4973. Mr. *Duncan.*] As a merchant do you derive more benefit from the town dues as an importer than as an exporter?—No; probably in my Eastern trade from two-thirds to four-fifths of the imports in 1854 came to London; four-fifths of the produce which I had from the East came to London last year, and I dare say three-fourths will come this year to London.

4974. Mr. *Milner Gibson.*] Are you a householder in Liverpool?—Yes.

4975. Do you consider that the application of the town dues to the municipal expenditure of Liverpool increases the value of house property in Liverpool?—I do not own any property in Liverpool.

4976. You are a householder you say?—I am a householder.

4977. But for the town dues you would probably have to pay municipal rates, as they do in Manchester and other large towns, would not you?—I do not know whether we should or not; I do not know that the town dues are applied to that purpose.

4978. You do not think the town dues had the effect of relieving the householders of Liverpool from the necessity of paying local rates?—I do not know to what extent that may be the case; to some small extent perhaps.

4979. Your position if I understand it is this; that to some extent the town dues relieve your from local rates, but as a freeman of Liverpool you do not even pay the town dues?—I do not know that I am relieved by the payment of town dues; I never understood that I was.

4980. You have no interest whatever, not paying the dues which perhaps are applied to relieve you from local rates, in wishing those dues to be abolished?—I have no wish to see them abolished in that respect certainly, nor in some other respects.

4981. *Chairman.*] Do you know how the town dues are spent?—They go into the general funds of the corporation, and their accounts will speak for themselves.

4982. Mr. *Duncan.*] Do you know what the corporation do with their funds?—I can read the corporation accounts, and see how they expend their income.

4893. Does not some portion of the town dues go to ease the inhabitants of Liverpool from certain charges that they would otherwise be obliged to pay?—I believe some portion of the corporation income is appropriated to local obligations, but I really do not know what they are.

4984. Mr. *Milner Gibson.*] Do not you consider your position is a very different one from that of a person who is not a householder in Liverpool who does pay town dues?—No; if they were abolished, as far as I am concerned it would not affect me; I should not think it was of that importance to look upon it as any material consideration.

4985. *Chairman.*] Are you in partnership, or carrying on business alone?—In partnership.

4986. Are your partners freemen?—Two of them are freemen.

4987. How do you claim your exemption?—For the proportion of interest which each freeman has in the concern.

4988. If three out of four of a firm are freemen, and taking equal shares, they would claim an exemption of three-fourths?—Yes.

4989. Mr. *Milner Gibson.*] Do you know how much in the pound on the rateable property of Liverpool the town dues would amount to?—I do not.

4990. Would it be 1 *s.* 6 *d* in the pound?—I have not given the slightest attention to the matter.

John Stewart, Esq., called in; and Examined.

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4991. Lord *Hotham.*] Are you Mayor of Liverpool?—I am this year. I have been requested by the town clerk to state to the Committee, that for upwards of 30 years all purchases of property made by the Liverpool Dock Committee have been made under my advice and assistance, not only purchases from private individuals, but also from the Corporation of Liverpool. I am quite prepared to state any circumstances connected with the dealings between the two bodies which the Committee may desire to know. Since the latter end of 1824, I believe everything which the dock trustees of Liverpool have purchased has come under my notice, whether relating to private individuals or public bodies. The transactions between the Corporation of Liverpool and the dock trustees have amounted to between 800,000 *l.* and 900,000 *l.* since I have had to do with them.

4992. *Chairman.*] Was not Mr. Bramley Moore chairman of the dock trustees?—He was for two years.

4993. He states, in his evidence before a Parliamentary Committee, in 1851, that nearly a million of money, say 900,000 *l.*, has been laid out from time to time in the purchases of land from the corporation, for the construction of docks; his statement applies to the transactions up to 1844. Then I find Mr. Hartley, who, I believe, is the engineer to the docks, states, "The quantity of land given by the Corporation of Liverpool to the dock trust is about 56 acres. The land formed at the expense of the dock trust, and now held by the Liverpool Corporation, is about 47 acres; that is, land formed in the construction of docks at different times, and still available for the purposes of the corporation." Mr. Bramley Moore's statement is with regard to transactions up to 1844?—The transactions I have taken part in coming beyond Mr. Bramley Moore's time to the present time, or to the last transaction, amount to only 865,000 *l.* I apprehend it will arise in this way. I speak only of that which has come under my own knowledge; and Mr. Bramley Moore must go back, which I am quite sure he does, to transactions before I had anything to do with the matter. Mr. Bramley Moore also includes, which I do not, the money which was merely paid by the dock trustees through the corporation. The corporation have frequently bought from different landowners when the dock trustees legally could not do it; they have made the purchases, and have paid the money, which has been reimbursed by the dock trustees to some considerable amount; and that, I expect, is included in Mr. Bramley Moore's statement. I have taken some pains to ascertain, almost to a shilling, what has passed since the latter end of 1824 to the present time.

4994. There was a good deal before 1824?—Yes, there was, no doubt; but that I can only speak to from information and research; I do not speak of it from my own knowledge. For the King's and Queen's Dock, for instance, it is stated that the corporation received 27,315 *l.* 5 *s.* 4 *d.*, but, in point of fact, they only received a little more than 1,000 *l.*, for they paid 25,787 *l.* 15 *s.* 4 *d.* to divers landowners for the very same land; they paid the money, and received it back from the dock estate.

4995. The King's and Queen's Docks were constructed under the Act of the 25th George 3, were they not?—Yes, in 1785.

4996. The corporation were to be reimbursed what they had expended?—Yes; the dock trustees reimbursed them the money; so that, in point of fact, only about 1,500 *l.* went into the corporation treasury.

4997. When was the next transaction?—The Prince's Dock, in 1799; but the settlement took place in January 1806, under the 39th & 51st of George the 3d; that was 67,406 *l.* 18 *s.* 7 *d.*, of which 41,528 *l.* 19 *s.* 9 *d.* was paid to my Lord Derby, the Duke of Ancaster, and various other private owners, by the corporation, as part of that 67,000 *l.*, they being mere agents for the dock trustees.

4998. What was the rest?—The rest was property belonging to the corporation, which is shown upon the map.

4999. At what rate of purchase?—The same rate paid to private owners by the Act of Parliament. The corporation was to sell their land at whatever price the private owners got. There were several private owners, the Gilbert family, my Lord Derby, the Duke of Ancaster, and various others; and the same rate was to be paid to the corporation for theirs. Then the fort was bought from the Board of Ordnance, under the Act of the 51st of George the 3d. The fort was the property of the Government, and the corporation contracted to buy it for the dock

dock trustees. The purchase money was 4,173*l.* 15*s.*, which was paid to the corporation, as intermediate parties between the Board of Ordnance and the dock trustees. Therefore I do not consider this as money coming into the corporation treasury.

5000. The corporation received from the dock trustees, under the Act of the 51st of George the 3d, more money than that 67,406*l.* 18*s.* 7*d.*?—Exactly; 45,702*l.* were paid to other parties, and the proportion which belonged to the corporation was taken at the same rate as that paid for private purchases; 25,000*l.* odd came into the treasury of the corporation, and not 67,000*l.*; but I had nothing to do with those early transactions; they were before my time. I know them, because I have had occasion to inquire into a great many of the dock purchases, independently of this matter altogether.

5001. You are a land surveyor?—I was a land surveyor for many years in Liverpool.

5002. Do you know what amount all the sums you have mentioned come to that was really paid to the corporation for land by the dock estate, and not paid to them merely as agents?—The balance of those transactions to which I was no party, is 27,405*l.* 8*s.* 10*d.* against 98,895*l.* 18*s.* 11*d.* The three sums alleged to be paid to the corporation are 27,000*l.* and odd, 67,000*l.* and odd, and 4,000*l.* and odd, making 98,000*l.* and odd. The corporation were merely intermediate parties to the amount of 71,490*l.*, leaving 27,405*l.* paid by the docks to the corporation, and not 98,000*l.*

5003. What was the gross amount paid for the King's and Queen's Dock?—27,315*l.*

5004. Of that, how much was merely paid to the corporation as agents?—£. 25,787, which was paid to the Blackburn family, and others who had wharves and basins by the corporation, and the dock trustees paid that sum.

5005. What was the amount under the Act of the 39th of George the 3d?—It was 67,000*l.*

5006. Was there nothing paid in 1799 for the Prince's Dock?—Yes, and in 1811; under those Acts 67,406*l.* was paid, and 41,000*l.* and odd of that was paid to private owners.

5007. That leaves 27,000*l.* altogether?—Yes.

5008. Can you state what amount of land was given?—I have no knowledge of it myself. It is about 40 something acres, I believe; that I only get from the records.

5009. Now we come to matters within your own recollection. Will you give the Committee a narrative of what has taken place?—The first transaction which I had began in the latter part of 1824, upon taking No. 4, and No. 5 Graving Docks from the corporation. The value was taken by a jury on the 28th of January 1825, on which occasion the jury found a verdict for 29,800*l.*

5010. Under what Act was that?—I cannot tell; I rather think it was under the Act of 1811 or 1819, by which the dock estate had power to purchase the graving docks from the corporation.

5011. Did not that transaction take place under the Act of the 6th of George the 4th; that would be 1825?—It must have been before then; I know I was employed in 1824 in it.

5012. Do you know anything about that graving dock matter?—Yes; I had a great deal to do with the purchase; I had everything to do in fact.

5013. It seems to have been under the Act of the 51st of George the 3d?—Very likely.

5014. I drew the town clerk's attention to a sort of charge that seemed to be conveyed about the graving dock, that the corporation proposed that the dock estate should do the work, and they should have the profit?—I do not think it related to these docks. It must have related to Graving Docks Nos. 2 and 3. The two I am speaking of are Nos. 4 and 5, the Southern Graving Docks, the two that were purchased.

5015. With regard to the price that was paid, did it appear to you to be a reasonable, an exorbitant, or a small price?—It was a very small price; it was 29,800*l.*, and everybody that knew anything of the subject, felt that it was a very low price. In fact the dock estate offered no evidence upon it; they were so satisfied with the evidence given by the corporation; it was considered very cheap. The next jury was on the 29th of March 1826, under the 6th of George the 4th; that related to land and premises to a very large extent at the north

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end of Prince's Dock, including the Clarence Dock, and going a long way to the north of it. The verdict of the jury was for 110,000 *l.* It took some houses and land, and a large quantity of strand; it was cheap, as compared with the adjoining land bought for the Prince's Dock many years before.

5016. What amount of land was purchased for the 110,000 *l.*?—Two hundred and seventy thousand four hundred and eighty-nine yards.

5017. What was this land?—Some part of it was land, but the great body of it was foreshore, strand.

5018. Was it land that had been made?—No, in a raw state. The strand was equal to 6 *s.* 10 *d.* and 6 *s.* 11 *d.* a yard; for strand that average was great, because there was land included, though no great quantity, of considerable value.

5019. I see on the 30th of June 1819 there was a purchase of some land for 30,104 *l.* 15 *s.*?—I had nothing to do with it; that was the Coburg Dock; Mr. Bramley Moore has included that; I have taken no notice of it; there was the Coburg and Union Docks, which are between the Queen's Dock and the Brunswick Dock.

5020. Can you tell me anything about that transaction?—No; there was a large sum of money found on that day for divers purposes by the same jury; but I had nothing to do with it, and I only know the mere fact.

5021. The sum that was assessed apparently on the 29th of March 1826, was 110,000 *l.*?—Yes; it was by a jury.

5022. What was the next transaction?—The next was a considerable quantity of property at the south end of Union Dock.

5023. Was all that corporation property?—Yes.

5024. Was the Coburg Dock corporation property?—It is so stated. On the 29th of March 1826, at the south end of the town, the verdict of the jury for the property was 69,500 *l.*

5025. What was that for?—It is rather a complicated affair. There was a reversionary interest in a very large property, the freehold of which had originally belonged to my Lord Sefton, which had been granted in lease in 1773, and the corporation were the owners of the reversion; there were several timber-yards, ship-carpenters' yards, and a very large mass of property in the possession of tenants producing a rental; it was altogether a very large property, and it would be rather a complicated matter to explain; I know the whole history of it.

5026. Was it purchased by the dock estate from the corporation?—It was purchased by the dock estate from the corporation, and the verdict of the jury was 65,900 *l.*, which was equal to 6 *s.* 3 *d.* per square yard, or thereabouts, for the strand; but there was a great deal of land at 30 *s.* a yard, very valuable land, part occupied by the Commissioners of Customs, part occupied by divers large timber-houses, shipwrights, shipbuilders, and so on; a very considerable portion of the money arose from that sort of property. There was a reversionary interest, under very peculiar circumstances, to a very large block of land, a lease of which had been granted by the Earl of Sefton in 1773 for 80 years, and there was a reversion to it for which 6,058 *l.* was included in the 65,900 *l.* A very curious circumstance grew out of the reversion subsequently.

5027. If I gather rightly, those three items make about 200,000 *l.*?—Yes.

5028. Up to this time, according to your statement, no part of the land purchased by the dock trustees from the corporation consisted of land made by the dock estate?—I will not say that.

5029. I understood you to say it was only strand?—You asked me with regard to the north end, and I said it was in a raw state, and not made. With regard to that at the south end, I have no doubt part of it had been made by my Lord Sefton, or his lessees, but that is in the 65,900 *l.*, because we are getting out of Liverpool into Lord Sefton's estate; the corporation and the docks had not made it; there had been a very large mill constructed there many years ago in 1773; I take it it was a mill which had been worked by tidal water.

5030. What is the next transaction?—Under the Act of the 6th of Geo. 4, there was a jury who gave 18,361 *l.* 13 *s.* between the dock trustees and the corporation; that was for built property, not shore land at all; that is to say, there was 5,040 *l.* of it for houses and buildings in the possession of the corporation, and 13,321 *l.* 13 *s.* was for the reversion to the fee-simple inheritance of about 50 leases, with warehouses, houses, and so on, the leasehold interest of which had been bought by the dock estate; the reversion to the fee remained in the corporation, and the docks had to pay the corporation 13,321 *l.* 13 *s.* for that,

and

and 5,040 *l.* for certain property, which was freehold, belonging to the corporation, not subject to any leases, but in their own possession; at the same time, and under the same Act of Parliament, the corporation gave the reversion of a portion of that property comprised in that Act, which was of the value of 21,229 *l.*, and about 4,000 *l.* worth of freehold property in possession.

5031. Were they to receive nothing for that?—Nothing whatever.

5032. Was there no condition for widening the streets?—There is what appears in the Act of Parliament.

5033. It does seem to appear in the Act of Parliament, if I remember rightly, as though there were some condition?—There is not the same number of streets; it was intersected with a great many little streets, which have been absorbed.

5034. Was not the dock estate to do something for this reversion; were not they under terms?—That will appear by the Act of Parliament; but 21,229 *l.* was the value of the reversionary interest in the ground-rent, and about 4,000 *l.* of property which was in possession; that part of the property scheduled under Schedule B. in the same Act of Parliament.

5035. You cannot tell what they were to do for it?—I am not aware that they were to do anything.

5036. The Act seems to say so?—Then the Act will state what they were to do.

5037. What is the next transaction?—The next transaction I have is under the 4th Victoria. It is land and strand on the west side of Salthouse Dock, Nos. 1, 2, and 3, Graving Docks, reversionary interest in premises on the west side of Salthouse Dock. There was a very large stock of property, which is, in point of fact, now known as the Great Albert Docks, and warehouses are built on the site; the price paid for that was 221,853 *l.* 17 *s.*

5038. There was a long interval?—Yes; there might be some small transactions of 400 *l.* and 200 *l.* The 221,853 *l.* 17 *s.* was recited in the Act of Parliament itself as an agreed price.

5039. How came it to get into the Act of Parliament?—I do not know. It must have been negotiated and agreed upon before the Act passed. I do not recollect the circumstances how it came to be in the Act of Parliament.

5040. Was there any strand in that?—Yes, there was.

5041. Was there any land which had been made by the docks?—Yes, I think there must have been.

5042. How much?—I really cannot tell; there would be a good deal, no doubt, but it would be a very long time back. It would be in the construction of one of the earlier docks. I do not know when the Salthouse Dock was made; whatever spoil the docks deposited upon the waste land there, would be at the time the Salthouse Dock was made, which must have been 100 years ago.

5043. What was the next transaction after 1841?—The great north purchase, from the Clarence Dock northwards up to Beacon's Gutter, 250,879 *l.*

5044. How was that assessed?—It was a negotiated purchase.

5045. Was it to be paid for by agreement, or on reference, or was the price put in the Act of Parliament?—I agreed, on behalf of the dock trustees, the price they were to pay, and it was arranged that they were to have a long credit, at a low rate of interest.

5046. How long have you been a member of the corporation?—I was first a member of the corporation in 1843, and I ceased to be a member in 1848.

5047. You have been elected mayor?—Yes. I was a member of the corporation again in 1851; but there was an interval of three years when I was not a member.

5048. How did you negotiate this purchase on the part of the dock trustees?—In the usual way. I was consulted by the dock trustees as to the proper price to pay. Then I made a report to them as to what I considered a proper price; they entered into negotiations in the usual way, and it ultimately ended in this price being agreed upon, which I believe was a fair and proper price for the property.

5049. Who did you act for?—I always act for the dock trustees entirely.

5050. Who acted for the corporation?—Generally their surveyor; but Mr. Okill, when he was alive, was a very active member of the corporation.

5051. You mean that somebody on their behalf met you, and you settled the price between you?—No; I do not mean exactly that. I reported to the dock committee, and that report became the basis of a negotiation. Probably the

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chairman of the dock committee might see the chairman of the finance committee; he would be prepared with the report which I had made to them. I always have been consulted, and they generally act upon my opinion.

5052. Did they, in this instance, act upon your opinion?—Yes.

5053. Did they agree to give exactly what you suggested?—No; not what I suggested at the time I made my report. My report might be a few thousand pounds below that sum. At that time we were not prepared with a great quantity of nice measurements; besides, in these transactions there are always secondary matters mixed up with them, such as the mode of payment, the rate of interest at which it will be deferred, are all elements which affect the price. I think it was agreed that the payment should be deferred for nine years at 3½ per cent.

5054. Do you take your instructions from the dock committee?—Yes, always.

5055. You cannot tell me how much strand there was in this case?—It would be exceedingly difficult, because a great deal of it was occupied as carpenters' yards and shipbuilders' yards. It was all strand many years ago, every bit of it.

5056. Who had made it?—The corporation built a wall at an expense of 71,000*l.* many years ago. You cannot make land against the sea without a very expensive wall.

5057. Did the corporation build the wall out of corporation funds?—Yes; the dock trustees had nothing to do with it; the corporation let the land to ship carpenters, and had tenants upon it. In the Albert Docks I find the strand was 25,326 yards; there was a very small quantity of strand there.

5058. With respect to the Albert Dock, I believe the sum is put into the Act of Parliament?—Yes.

5059. Do you know how that sum was agreed upon?—I know I made a valuation of it; I have not a very clear recollection about it, but a great many changes took place. I have got a valuation, made many years before, not running to the same extent, of the Prince's Dock, but made apparently from time to time. I cannot tell how it came to pass.

5060. What was the next transaction?—You were asking me about this 250,000*l.*, I stated that the corporation built the wall several years ago, and of course the docks would do nothing to the wall, which cost between 71,000*l.* and 72,000*l.*, for the purpose of reclaiming the land.

5061. When was it that the corporation built this wall?—I do not know with any certainty. I should think about 1832 or 1833; it was about 1844 when the land was bought. The land was occupied as shipbuilders' yards, and had been for a long time occupied by tenants of the corporation.

5062. What was the next transaction?—Beyond that there was land to the northward. I am now going away on the open shore. The dock trustees paid 17,837*l.* 5*s.* 10*d.*, but that did not go into the treasury of the corporation; it was money paid to my Lord Derby.

5063. What transaction are you speaking of now?—I am speaking of the transaction of 250,000*l.* £.17,000, which were said to be paid to the corporation, was merely paid to them as intermediate parties; it, every penny, went into my Lord Derby's pocket, and did not go into the treasury of the corporation; they were merely intermediate parties, and had nothing to do with it whatever. In the proceedings before the Corporation Commissioners there is a plan which shows the carpenters' yards, and shows exactly where the wall was built at that time; that was in 1833, years and years before the dock trustees bought it.

5064. It was sold for the exact price for which it was bought from Lord Derby?—Yes. The corporation had nothing whatever to do with the 17,000*l.*, excepting as intermediate parties.

5065. What is the next transaction?—I have pretty nearly got through the whole of the large ones. Latterly, in the great extension, which we call the Wapping Dock Extension, the whole transactions are scarcely concluded; the corporation have sold, and the docks have bought certain sheds, which we call saltpetre sheds, for 20,400*l.* and some small property in the very densest part of Liverpool, amounting to 4,880*l.*, and the docks will have to pay a considerable amount of money for the reversion of the whole of the Wapping houses, which is in the corporation; but it is not settled, nor can it be settled, for this reason: the corporation gave a certain portion of the land to the street, which they will have to pay the docks for; it is a question of amount.

5066. The

5066. The transaction amounts to something like 200,000 *l.*?—That is to be settled between the corporation and the dock trustees.

5067. It is not settled under the Act of the 9 & 10 Vict., c. 109, which was passed in 1847?—I will undertake to say that there are hundreds of leases, some with 60 years, some with 70 years, some with 8, and some with 1. The whole of those reversions will have to be calculated over 700 or 800 leases, and anybody who knows anything about reversionary interests must be aware that he would be a bold man who could hazard an opinion upon the value of that property. Against that, the corporation will have to buy from the docks a certain quantity of land from the docks, to widen the street called Wapping, therefore I do not speak of it. We have bought also the slate-yard, at the north end of the town, for 26,313 *l.*

5068. What transaction was this?—It is a very valuable piece of land near Prince's Dock.

5969. In what year was this?—Just within a year.

5070. Do you know anything of a transaction in 1848, under the 11 & 12 Vict., with respect to a timber-float and dock warehouses?—I do not know what you refer to. I know everything that has been done under the 11 & 12 Vict. We bought lately the whole of Nova Scotia; it has been agreed to be purchased, or has been purchased; in point of fact that land is full of buildings; all my Lord Ellesmere's, and all the Duke's carrying concerns are there. They hold under an old lease, which expires in 1868. It was originally held by the Old Manchester Quay Company, and is now in the possession of my Lord Ellesmere; he is the tenant of the corporation, under lease, of the whole property. A great many warehouses, houses, and so on, were purchased by the dock estate from the corporation for 112,584 *l.*

5071. Is there any strand in it?—No, that is not strand; it is all covered with buildings. On the 4th of February 1851, I arranged the price at 112,584 *l.*

5072. What was the next transaction?—I believe that is the whole, except some very small transactions; there is one of 3,000 *l.* some years ago; it is all gone now, being merged into the Albert Dock; it was what we called Cornhill, a warehouse belonging to the corporation, and was let at 200 *l.*

5073. Are those all the transactions that you know of?—Every land transaction that has passed between the two bodies since I have had to do with them.

5074. Do you still continue to act in that capacity. Supposing there was anything to be done now, would the dock trustees consult you?—I think they would consult me.

5075. There has been nothing done that you do not know of?—No, neither with the corporation nor with private individuals.

5076. Can you give the aggregate amount, first, how much is the gross amount that the corporation has received from the dock estate, and then we will make the deductions, commencing from the 25th of George the 3d, up to the present time?—The whole of the money, not only paid directly to the corporation, but that which they received as intermediate parties, as far as I have been concerned, is 865,311 *l.*

5077. There is something to be added to it, how much is that?—There would be the King and Queen's Dock, 27,315 *l.* 5 *s.* 4 *d.*, but that is in 1785. Then there is the Prince's Dock under the 39th of Geo. the 3d and the 51st of Geo. the 3d, 67,406 *l.* 18 *s.* 7 *d.*

5078. How much do those make together?—94,722 *l.*, but I have more yet; there was 4,173 *l.* 15 *s.* for the fort; that will have to come off again, but it is on both sides of the question, and there is 83,067 *l.* 13 *s.* 3 *d.* under the 51st of Geo. the 3d; the Coburg and Union Docks, south end of King's and Queen's Docks and Basins, west end of No. 1 Graving Dock, reversions west side of Salthouse Dock, and Prince's Dock and Basin. That was the one you asked me about, the last of Mr. Bramley Moore's, it will be very nearly a million of money. I have kept out the last transactions. The Nova Scotia and very recent transactions are not in this; it will be about 1,050,000 *l.*, from that must come as not going into the corporation treasury at all, 25,787 *l.* 15 *s.* 4 *d.*, the purchase of the Queen's Dock; 41,528 *l.* 19 *s.* 9 *d.* the purchase of the Prince's Dock; 4,173 *l.* 15 *s.*, the purchase of the fort from the Government, and 17,837 *l.* 5 *s.* 10 *d.*, the purchase from Lord Derby, making altogether 89,327 *l.* 15 *s.* 11 *d.*

5079. That reduces the gross amount in round numbers to 950,000 *l.*?—Yes, but that is taking what I have not had to do with. I have spent far more money upon

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upon the docks with private individuals than with the corporation, from first to last, since I have acted for the dock estate.

5080. You mean purchases from other sellers?—Yes: I should think that in this Wapping extension, under a recent Act of Parliament, the dock estate has expended 500,000 *l.* in private purchases, not from the corporation. We had a jury with Lord Sefton in 1827 and the Jackson representatives, and their verdict amounted to an enormous sum of money.

5081. Then the result is, that from the corporation the Dock Trustees have bought about 950,000 *l.* worth of land?—Yes.

5082. Can you state how much of that was strand?—No, I cannot.

5083. Can you state how much was made by the docks themselves?—I cannot understand what you mean by "made by the docks." If I have a piece of waste land, and my neighbour is making an excavation near to me, he is obliged to me to let him put his spoil on that land; he does not make land by that near the sea. I have for many years in my office represented the interest of my Lord Sefton, who has a large estate at Toxteth Park, and when they were making the Brunswick float they came to me to know if my Lord Sefton would allow them to put the spoil upon his shore at Toxteth Park, otherwise the dock estate would be put to enormous expense. Directly they put the spoil there the land brought 100 *l.* a year which was bringing in nothing. It saved the dock estate many thousands of pounds, whilst it was benefiting my Lord Sefton. The corporation of Liverpool are at this moment negotiating with a party to carry out the Birkenhead docks, but they do not know what to do with the spoil out of the pool. We have applied to a large landowner, who has made terms with us which will entail a great expense upon us for making land, as it is called. If this spoil is to be carried away, it is an enormous expense, and to put it on the nearest point you can get, is a great economy. It is not making land, it is beneficial no doubt; but there is a great deal more to be done than to shoot a lot of rubbish upon the land.

5084. What principle did you adopt in computing the value of the strand which was bought from the corporation?—In the early part of the transactions, when there was an assessor in existence, they adopted the plan I am now speaking of in 1826, 30 years ago, of bringing down certain engineers from London; whether it was wise or not I do not pretend to say. Those engineers were asked to give evidence or to prepare estimates, which they were to furnish to me, as to what expense it would take to make this land available for any purpose; to convert it in fact. In 1826, the jury had before them Mr. Walker, who is still in London. Mr. Giles, Mr. Lewis, and various other engineers of eminence, and they made calculations as to what would be the cost to the corporation or to my Lord Sefton, whoever they were dealing with, to make land of it. Then a certain sum was taken for the completion of that work to make it into land, and the value was put upon it, and the expense rebated by the sum so arrived at, to show that it was the value. I beg leave to say that I have valued hundreds of acres of foreshore for the Government, and I have always adopted something like that plan. I have also acted for the Commissioners of Woods and Forests in matters of that sort.

5085. Was anything considered with regard to the value given to the land by the docks?—No doubt it would be so; you could not avoid it; but it is a very singular thing, in connexion with this, that, in 1806, there was 10*s.* paid for strand, which, in my recollection, just at the point when the water was up, you were obliged to have stepping-stones. In 1826 the corporation only received 6*s.* 3*d.* after 20 years had elapsed and the dock was made.

5086. Then it does result in this, that the dock trustees had to pay an increased price for the value which they themselves had given to the land?—There is no doubt that they would pay more for it, when it had become solid by the improvements made by the corporation, by the deposit of the dock spoil upon it, and becoming solid, it would be of more value when they took it than when it was in its raw state.

5087. Your duty was to value the land as you found it?—Yes; but there was very little of that land in all. I have stated to you there was the amount which I told you of, 71,000 *l.* for the wall built by the corporation. There is no doubt that a great part of the filling-in stuff, at the back of the wall, came from the excavation of the docks.

5088. Is not the greater part of the docks within the borough of Liverpool made

made out of strand?—Yes, I think it was; I should think when the shores were in a state of nature, the tide flowed up to the land side of the docks.

5089. Can you state the amount that has been given by the corporation to the dock estate?—I only know that as a matter of history; 45 acres, I think.

5090. Can you state the number of acres which the dock estate has purchased from the corporation altogether?—I think it would be very difficult to do that. I could do it; but you must observe that there would be very great difficulty in doing it; for instance, when we pulled down the streets in Wapping, which were densely covered with buildings (as thick as the thickest part of London), the quantity of square yards in such a case is no element whatever. My freehold may commence in a small house, perhaps worth 20 *l.* a year, in 70 years I am entitled to the fee, and a man pays no attention to the number of square yards it occupies; the question is, what is the present value of the reversion; it would be a most complicated affair to go into. Lister-street, Waterford-street, Marshall-lane, and Steer's-lane were all pulled down bodily, and they were as thickly built as any town in England.

5091. Can you tell me the extent of docks within the borough of Liverpool?—By referring to the plan, not otherwise; the borough is now extended by Act of Parliament—(*The Witness pointed out the same on the Plan*).

5092. Who else owned land in the parish of Liverpool, except the corporation; was there any other large landowner within the parish?—The corporation have a very large estate; but the corporation are not the only landowners.

5093. Did the dock trustees buy from any other person in the parish?—Yes; that is proved by these payments to the Duke of Ancaster, my Lord Derby, the Gilbert Family, the Kents, and Mr. Blackburn; those parties were all freeholders, not to any great extent I admit, in the King's and Queen's Dock, and in the Prince's Dock; the original estate of the corporation of Liverpool was altogether on one side of Liverpool; not so much on the north side.

5094. Do you think the strand within the parish of Liverpool, between high and low water mark, contains 350 acres?—I dare say it does.

5095. Of the 45 acres which were given by the corporation, can you form any estimate how much was purchased from other proprietors?—Not a very large quantity; I do not know the exact quantity.

5096. Do you think, in the whole, 300 acres was bought from the corporation?—I do not know; very likely.

5097. Mr. *Milner Gibson.*] When you were acting for the dock trustees, were you at the same time a member of the corporation?—Yes; and in 1851, when I was acting for the dock trustees in buying Nova Scotia for 112,000*l.*, I was a member of the corporation. I have the proud satisfaction of saying that hundreds of individuals in Liverpool, who have sold property to the docks, and the London and North Western Railway Company, who have had an enormous transaction with the docks, knowing that I had been for between 30 and 40 years the confidential adviser of the dock trustees, neither those individuals, nor the London and North Western Railway Company, ever asked anybody to come near me, but they said they would leave it entirely in my hands. I have not yet settled the London and North Western Company's case. It is a case involving a large amount of money, and the London and North Western Railway Company leave it to me, with the full knowledge that I have been the confidential adviser of the dock trustees for from between 30 and 40 years. We have taken their Wapping station away, but they leave the matter entirely in my hands; and 500 individuals in the town of Liverpool have done the same thing, with a full knowledge of my position.

5098. The interests of the corporation and the interests of the dock trustees were different, were they not?—Some individuals have thought so; I do not. I think it is the duty of the corporation to encourage the dock estate, and to act fairly, properly, and liberally towards it. We ought to have one common interest; and I am always sorry to hear any distinction drawn between the two bodies.

5099. Was not it the interest of the corporation to get as much as possible for their lands?—It might be their interest; but they would be very foolish to attempt to get a shilling more than their value.

5100. What is the amount of the rateable property in the parish of Liverpool, the warehouses, house, and so forth?—Many years ago I very foolishly valued the whole of the parish of Liverpool but I forget the amount; I think it would be something like a million; I speak from no information upon that point; but that would be about the amount.

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5101. What rate in the pound would the town dues amount to on the rateable property of Liverpool?—I dare say fully 1*s.* 6*d.* in the pound upon the rateable value of the property in Liverpool.

5102. But for the town dues you might be rendered subject in Liverpool to a rate of 1*s.* 6*d.* in the pound?—I do not think so.

5103. Why do not you think so?—I think if the corporation of Liverpool did not believe that they were possessed of a great income from the town dues, they would not do many things which they now do; however beneficial in themselves, prudence would say, "You ought not to do this, if you have not a considerable estate;" therefore they would not require so much money. I think also that the debt of the corporation, which is a very heavy one, would never have been anything like the amount it is, if the corporation had not entertained the firm belief that they had a considerable revenue to meet the interest of that debt, and were therefore justified in expending the money for the benefit of the town in doing many things which are clearly beneficial. I think also that the capitalists of the country would have taken care that they did not owe so much money; if they had not believed they had a large income, they would not have lent the money.

5104. You think that the Corporation of Liverpool have undertaken expenditure which they would not have undertaken if they had not had these town dues?—I think many things have been done, however highly beneficial they may be for the town, which would not have been done. There may be things which to myself, as a private individual, it would be exceedingly good and desirable for me to do if my treasury is well filled; but if I have not the means of paying for them, as a prudent man I abstain from doing them.

5105. Then if you had only the ordinary resources for a borough rate, you would not have undertaken some of the improvements which have been effected at Liverpool?—I mean to say that we should not have built the Courts and St. George's Hall, and we should not have incurred an expense of 140,000 *l.* for a landing stage. That is a very desirable thing, and a very beneficial thing; but I do not think we should have been justified in levying a rate upon the inhabitants of Liverpool for the purpose. There is a great misapprehension exists with respect to St. George's Hall. St. George's Hall was a matter of private subscription; I was a subscriber to it, and on the committee; and originally it was the private property of gentlemen who subscribed 100 *l.* a piece to build it.

5106. Have you built any churches?—We have not built any churches for many years. The corporation have built churches under Acts of Parliament, but never else that I am aware of.

5107. Were the town dues applied to those churches?—No doubt about it.

5108. Perhaps that is an expenditure which you would not have undertaken, if you had had to make a rate upon the inhabitants to meet it?—Exactly so. I do not think the corporation of Liverpool have built a church since the Municipal Reform Act passed. I think the last was St. Luke's, at the top of Bold-street.

5109. Therefore, those churches were paid for by a tax upon the trade and commerce of the district, and not by the inhabitants?—They were paid for out of the general revenues of the corporation, of which the town dues formed a part; but they were not paid for separately out of the town dues. We have a very large estate besides the town dues.

5110. I suppose, if the town dues remain, and go on increasing, Liverpool will be a city of palaces in time?—I have no doubt that Liverpool will get its share of the wealth of the country. The town dues will not increase without general trade and commerce increases. Liverpool has been increasing, and it is indebted to the good management of the corporation and the dock trustees. I am a Liverpool-born man, and perhaps may speak with some prejudice.

5111. Do you contemplate a permanent maintenance of the town dues, whatever may be their amount?—There can be no very enormous amount of increase in a small rate of that sort, although the general impression is that they come to something appalling. I know the dues have been increasing, and I hope, if they continue, they will go on increasing, because I think the prosperity of the port is involved in it. I think it is a great thing to see that we have given such conveniences for trade, and that, despite the previous oppression of the town dues, the trade has gone on increasing. I do not know what it would have done, if it had not been for the grievous oppression of the town dues.

5112. Supposing the town dues were applied to shipping purposes in Liverpool,

pool, instead of the local expenditure of the householders, do not you think that would be beneficial to the town of Liverpool and the trade of the district?—No doubt.

5113. Would you have any objection to alter the application of the town dues in the way I have mentioned?—Not being a shipowner, but being a considerable proprietor of property in Liverpool, I have a very considerable interest in the fixed property of Liverpool. I have not a ship, nor anything that navigates the water; therefore, on the general principle you propound, looking to my own interest, I should object to an alteration in the application of the town dues.

5114. As a representative of the inhabitants of Liverpool, and anxious as to their permanent welfare, do not you think that the application of the town dues to shipping purposes, and to the purposes of the trade and commerce of the port, would be as beneficial an application of the town dues as applying them to the mere saving of rates to the householders of Liverpool?—It would be no doubt a beneficial application of them; but I think it would be an exceedingly unjust application as regards the inhabitants of Liverpool. I have been concerned in matters where individuals have got large sums of money for duties of a very light nature indeed. I was concerned for the Government with respect to the Skerries light, and I happen to know that a gentleman got 446,000 *l.* for his patent right of putting up a light on the Skerries. I was present for the Trinity House when the verdict was given. I was there also when a memorial was read which stated that the right cost some 3,000 *l.*, for which he got 446,000 *l.*

5115. Supposing the town dues had remained in the King, what would have been the feeling of the people of Liverpool if they had been levied and applied to Crown purposes?—I cannot judge upon that subject; I dare say a good many people would rather not pay as many taxes as they do.

5116. Mr. *Hardy.*] Supposing the town dues had been in the hands of the Molyneux family, what would have been the case then?—I think Lord Sefton would take my advice, which he is very much in the habit of doing, and expect to be paid for them.

5117. Mr. *Milner Gibson.*] Supposing the town dues had remained in the hands of the Corporation of London, and the Corporation of London had levied the town dues upon all the imports and exports of Liverpool, and applied the proceeds to the local expenditure of London, what would have been the feeling of the inhabitants of Liverpool?—If they were legally justified in levying the town dues, I hope I should feel that we had no business to escape from paying them; I would rather not do it I freely admit; but if they were the uncontrolled owners of the dues, and at liberty to do what they pleased with the money, I think I should not be an honest man if I refused to pay them.

5118. *Chairman.*] Do you remember the occasion on which a company obtained power to make a harbour at Fishguard, and the course which the Corporation of Liverpool adopted on that occasion?—No, I do not.

5119. Lord *Hotham.*] I understand you to say that, in addition to being always consulted by the dock trustees and to your own private practice, you have been occasionally consulted by the Commissioners of Woods and Forests?—Yes, for years past.

5120. Mr. *Hardy.*] I suppose few persons in England have had so many arbitrations to manage as you have?—I have had certainly many thousands of arbitrations, and cases of all sorts in different parts of England. I have been as far north, against my will, as Aberdeen; I have been in Yorkshire, and other places.

5121. Mr. *Vance.*] You have been asked about the application of town dues to shipping purposes; do you think it is a matter of complaint in Liverpool, that a proper portion of these dues is not allocated to the shipping purposes of the trade of the port?—I have never heard that stated; many years ago I know there was a great agitation about the town dues; but since then the matter has been quiet, as far as I am aware.

5122. Do you know of any neglect of the trading objects of the port in the application of those town dues?—No; I believe that the duties the corporation do undertake, are most efficiently performed; I have no reason to doubt it; although I was not a member of the corporation for some years, I know something of their transactions, and I am not aware that any complaint whatever has been made with respect to the duties which they perform connected with the harbour.

5123. Mr. *Headlam.*] I suppose you consider there is good done to the town by the expenditure of this money?—No doubt.

J. Stewart, Esq.

26 June 1856.

5124. And good is done by the expenditure upon the improvement of the Mersey?—Yes.

5125. Do you think there would be any great public advantage gained by diverting these dues from their present purposes, and applying them exclusively to shipping purposes?—Supposing the municipal corporation, as a corporation, had nothing to do with harbour purposes, and not in any way connected with shipping, and were divested of their dues, and they were placed in the dock trustees or any public body, I am quite sure the very large expense which has been incurred in widening streets by the corporation would not have been incurred; they could not be expected to do what necessarily must become a charge upon the shipping interest. It is impossible to carry on the great trade of Liverpool, without occasionally widening the streets. There is a street which runs landward from the Princes Dock, which the corporation were willing to improve. There is not a gentleman in this room that dare pass that street in a private carriage, or on horseback, during the hours of business, on account of that street being crowded with huge carts and waggons of all sorts: it is the most extraordinary scene that ever was witnessed; that street wants widening, and it will be enormously expensive to widen; and if the corporation lose their dues, the dock trustees must do it.

5126. If the corporation were deprived of the power of applying these dues to widening streets, and other purposes connected with the improvement of the town, and compelled to apply them solely to shipping purposes, no public advantage would be derived from that change, in your opinion?—I am not aware of any great advantage to be derived from it; I have my own opinion about it; I am not a commercial man, and my opinions may not be worth much.

5127. Mr. *Milner Gibson.*] Have not the railway companies made branches, or are not they making branches down to the docks?—No, I think they are not making branches; Wapping is being increased, and the corporation of Liverpool are giving three yards for the purpose of increasing it; that is what I alluded to before with respect to the unsettled amount about the Wapping extension, when I was asked if it involved an expenditure of 200,000*l.*, and I said nothing like it; the corporation will have to allow the docks, who have purchased the whole of the property, what is necessary for improving and widening the street; the three yards by which the street is increased, the corporation have agreed to pay for; I believe it is intended when that street is completed, to lay down a line of railway to move goods along to the centre of the dock quays; that is a public street, and in a portion of the street itself the Lancashire and Yorkshire Railway Company have made a very large station down at the docks; I know they have expended a very large sum of money, and made very large purchases of land for the purpose; in fact I sold the East Lancashire Company a portion of the land myself for 160,000*l.* and odd, belonging to Mr. John Shaw Legh.

5128. Mr. *Hardy.*] A good deal of the docks have been made on his land, I believe?—Not much; the docks have bought his land that was sold in his father's life at 40*s.* a square yard; 40*s.* a yard the railway company paid for it.

5129. Mr. *Milner Gibson.*] Mr. Part stated in his examination, in answer to Question 3551, put to him by the Chairman, "In fact, latterly the Railway Companies and the dock trustees have determined to afford accommodation, by which the coals to be shipped can be conveyed to the side of the docks upon the high level railway, and from thence discharged into the holds of the vessels, by that means obviating altogether the necessity of deposit within the town of Liverpool, or of passage along the streets"?—It is perfectly true; the Lancashire and Yorkshire Railway Company, and the East Lancashire Railway Company, have made to a dock, which is called Stanley Dock on the plan, a railway, at a very considerable expense, which does pass over some newly-formed streets at the east end of the town, and does bring coals down to the docks, and the Liverpool Dock trustees themselves have made a communication from the Liverpool and Leeds Canal, by which a great deal of coals are brought down from Wigan and the neighbourhood; they have made certain lock-pits, as they are called, from the canal to the docks, so that barges can bring coals down at once from the pits to the docks. The lock-pits were made under one of the Acts of Parliament to which we have been referring. There is no doubt that the railway companies, as far as they can, without interfering with the public thoroughfares, are getting branches for their stations in different directions. They are principally running at present on to my

Lord

Lord Sefton's land in Toxteth Park, where there is a considerable timber depôt. *J. Stewart*, Esq.

26 June 1856.

5130. *Chairman.*] You have mentioned that there was no complaint of the application of the town dues in Liverpool?—Of late.

5131. I am now quoting from evidence given before a Parliamentary Committee in 1851 by Mr. Bramley Moore: "The total amount of the town dues, after paying all expenses, is, I think, about 91,000*l.* The council do nothing for the docks or the dock estate with this money; all which they receive is appropriated entirely to the borough. The dock estate pays a portion of the expense of the watching and lighting, about 16,000*l.* a year. The dock estate repairs the streets along the quays. The expense of that is very considerable. Those streets are public thoroughfares, and not merely for the use of the docks"?—I beg to say that Mr. Bramley Moore is totally mistaken about the streets. I speak in the presence of the chairman of the dock committee, and parties interested in the management of the docks, and I state distinctly, that the dock committee do not repair any public streets in the town of Liverpool. I am astonished to hear such a statement as that. They have still some open quays, although a great many of them are inclosed; but they will not let the paving authorities come upon them; they jealously watch them, because they know the public authorities are anxious to get on to repair pavements, and so on, to make them public highways. I know Mr. Bramley Moore very well, and I have no doubt Mr. Bramley Moore would only state what he believed; but Mr. Bramley Moore has not lived in Liverpool so long as I have.

5132. He was chairman of the dock trust for many years, was he not?—Not many years.

5133. How long?—Six or seven years, I should say, speaking by guess. Mr. Bramley Moore was elected mayor of Liverpool, and he vacated the chairmanship of the dock committee on that occasion, and has never been in the dock committee since.

5134. Mr. *Hardy.*] Do you know when that evidence was given?—In 1851, I understand; I recollect the subject upon which that evidence was given.

Elias Arnaud, Esq., called in; and Examined.

5135. Lord *Hotham.*] YOU were for a long time the collector of Her Majesty's Customs at Liverpool?—Yes, for about 31 years. *E. Arnaud*, Esq.

5136. Are you in the public service now?—No; I have retired on superannuation.

5137. Has not the trade of Liverpool very largely increased during the time you were collector of customs?—Yes.

5138. Notwithstanding the very large reductions which have been made in different duties?—Yes.

5139. I suppose, from the situation you filled, you were in constant communication with the merchants of Liverpool?—Yes, all day long.

5140. Have you been in the habit of hearing complaints made of the oppressive nature of the town dues upon trade?—No; I have no recollection of anything of that sort.

5141. It has been stated before the Committee that the Customs department refuse to pass entries until a voucher for the payment of the town dues has been produced; is that correct?—No; I had nothing to do with the town dues; there was a penalty on the collector of customs if he did not see that the dock dues were paid.

5142. Mr. *Hardy.*] Under one of the Dock Acts?—Yes.

5143. Lord *Hotham.*] As regards the town dues, it has not been the case that there has been such a refusal?—No.

5144. *Chairman.*] How are the town dues collected?—They are collected in the lower part of the same building, where all Her Majesty's revenues are collected, the Customs, the Excise, the Post-office, and Stamps and Taxes; they have a small office below; it is found convenient to have all the revenues collected together.

5145. What is the process by which they are collected?—I do not know how it is done.

E. Arnaud, Esq.

26 June 1856.

5146. It does not come before the Customs authorities in any way?—No, not at all.

5147. What was produced to you was the receipt of the dock collector?—Yes; they mark the entries that have passed when they receive the dock dues.

5148. No entry came before you with regard to the town dues; is that so?—No, I did not require it; they mark the town dues before the dock dues, but it was no business of mine whether it was there or not.

5149. Did not it come before you?—It came before my cashier.

5150. In what shape?—There is an entry bill passed, which is marked by the dock dues collector, and generally previously by the town dues collector.

5151. It would appear that the town dues were collected before they went to pay the dock dues?—Yes, I believe that is the case.

5152. Are you aware that there is any agreement with the dock trustees not to give a receipt for the dock dues till the town dues are paid; do you know whether that is so or not?—No; only from surmise.

5153. You surmise that it is so?—Yes.

William Hardy, Esq., called in; and further Examined.

W. Hardy, Esq.

5154. *Chairman.*] HAVE you looked at the Close Roll of about the 40th of Edward the 3d?—I have.

5155. Will you state what you gather from it?—There is an entry on the Close Roll, by which it appears that there was an individual named Stephen Ward, who brought a ship laden with wines from the city of Bordeaux: a portion of the cargo he landed at the port of the town of Liverpool, and paid the whole of the prisage due to the King in that port upon the whole of the cargo, but he only landed a portion of the wines. He afterwards carried the ship on with the residue of the cargo to the port of the town of Pull, in Cheshire, and there the chamberlain of the Earl of Chester demanded the prisage for the Earl of Chester, which was due to him for wines landed in any port in Cheshire. Then Stephen Ward complained to the King that it was unfair, and the King said, inasmuch as no person ought to pay twice upon goods, having paid the just prisage in the first port where he landed his cargo, he commanded the chamberlain of Chester not to demand any further prisage from the same ship. (*The entry from the Close Roll was read*).

Vide Appendix.

5156. The effect of that is, that nothing about the port came in question?—Nothing as to the ownership of the port.

5157. It was a mere question whether a man should pay prisage at two different ports?—Yes. There is a question with respect to a passage in Lord Hale's *De Portibus Maris*, whether the Earls of Chester had the Port of Liverpool as belonging to the county palatine of Chester, and he quotes that instance as showing it, but it does not apply at all; the real fact is, that the Duke of Lancaster at this time had the port of Liverpool, and the Earls of Chester had the port of Chester.

5158. How does that appear?—It appears from leases made by the Duke of Lancaster of the town of Liverpool, to which the port was appurtenant, and that fact appears from the succession of leases which have been put in.

5159. They do not mention the port, do they?—Yes, one of the leases which has been put in, except the King's prisage, in granting the town and lordship in the town of Liverpool.

James Bancroft, Esq., called in; and further Examined.

J. Bancroft, Esq.

5160. *Chairman.*] I BELIEVE you wish to put in some plans which you have prepared?—I was desired by the Committee to prepare these plans on a scale convenient for binding up with the evidence, and I have done so.

5161. What are those plans?—There are two plans, one showing the customs port, and the other showing the town of Liverpool originally, and also the present municipal borough, with the explanations which were desired to be affixed thereon. The green part shows the whole of the land between high and low-water mark, and shows that the docks which have been made within the town and lordship of Liverpool

Liverpool were all made upon land formerly strand, which contained within those limits, amounts to 353 acres. The land between A. and B. is land taken in the township; the land within Kirkdale amounts to 420 acres, and the land within Toxteth Park to 175 acres. *J. Bancroft*, Esq. 26 June 1856.

5162. Mr. *Watson.*] Where did you get these plans from?—I have had them prepared.

5163. Where did you get the lines from, showing the municipal boundary?—From actual measurements.—(*Two Plans were delivered in*). *Vide* Appendix.

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APPENDIX.

Appendix, No. 1.

MEMORIAL of Manufacturers of SALT.

To the President of the Board of Trade.

My Lord,

THE inquiry about to be instituted, before a Committee of the House of Commons, into the local charges on shipping, induces us to bring under your Lordship's notice the duties at present payable by the salt trade. Appendix, No. 1.

It is, no doubt, known to your Lordship that the valley of the Weaver is one vast salt bed, furnishing a supply of that necessary article of life not only to Her Majesty's subjects at home but also to various other parts of the world.

This salt is manufactured in the valley of the Weaver, and the principal article employed in its manufacture is coal. It requires about 1,200 weight of coal to produce, by evaporation, a ton of salt. The salt is conveyed in flats down the river Weaver, to the port of Liverpool, and from thence it is exported abroad.

The average price of the coal used in the manufacture of a ton of salt is 4 *s.* 6 *d.*, and the average price of a ton of salt, at the place of manufacture, is 7 *s.* 6 *d.*

The practice is for river flats to take down salt to Liverpool, and to bring back coals.

The Weaver Navigation levies on these coals a charge of 8 *d.* a ton on their way up to the works (that is about 4 $\frac{3}{4}$ *d.* on the 1,200 weight necessary to make a ton of salt), and they charge 1 *s.* a ton on the salt on its way down to Liverpool. Now, as it is necessary that the navigation of the river Weaver should be maintained, in order to allow of the transit, we do not object to the payment of any rate of toll necessary for this purpose; but we know there is a large excess of tolls collected above what is necessary for this purpose, and that this excess is applied in reduction of the rates levied and applied for general purposes in the county of Chester, so as indeed almost to dispense with the levy of the ordinary county rate. So that, in point of fact, the trading interest of the country is paying the rates of the landed gentry of the county of Chester. Besides these rates, however, the salt is charged, on reaching the port of Liverpool, with a further toll, in the shape of "Town's dues," namely, 6 *d.* per ton on all salt shipped for a foreign port, and 3 *d.* a ton on salt shipped to any port in the United Kingdom.

We desire your Lordship to understand, that we do not object to the payment of fair and reasonable dues to the trustees of the River Weaver Navigation, but we complain that the dealers in salt pay all, or nearly all, the local burthens of the county of Chester. We also complain that the corporation of Liverpool charge salt with a rate of town's dues greatly exceeding that of any other article exposed to the same tax. For example, whilst a bale of cotton goods, of the value of 100 *l.*, is charged 2 *d.* a bale, a ton of salt, not worth 10 *s.*, is charged 6 *d.* a ton.

We do not think it necessary to enlarge upon this point in order to insure your Lordship's concurrence in its injustice.

The general dealers in salt, moreover, in carrying on their business, are brought into unequal competition with the freemen of Liverpool, and of five other towns in England and Ireland, who are exempt from the payment of town's dues altogether. This advantage of 6 *d.* a ton on an article of such small value as salt has the effect of creating a monopoly in the hands of a few favoured dealers, because, in large transactions, they are enabled to accept a contract, and make a remunerative profit upon it, such profit being less than the 6 *d.* a ton paid for town dues. And indeed it is well known that Liverpool freemen have, on some occasions, made large fortunes simply by means of this exemption enabling them to drive all other dealers out of the market.

We beg to lay this short statement of facts before your Lordship, with the request that your Lordship will give us your advice as to the proper time and mode of bringing our grievances under the notice of the Government and of the Committee of Inquiry, when we shall be prepared with the evidence necessary to prove the statement above made.

We have, &c.

(signed) *W. Worthington & Son.*
John & Thomas Marshall.
W. R. Court.
(And 56 other Signatures.)

Appendix, No. 2.

(No. 1.)

Appendix, No. 2.

ACCOUNT of WHITE SALT shipped Coastwise, and to *Ireland*, from *Winnington*, during the Years 1848, 1849, 1850, 1851, 1852, 1853, 1854, and 1855.

DATE.	VESSEL.	TONS.
1848:		
22 January	Peel	69
26 „	Tower	61
14 February	ditto	67
23 „	ditto	69
26 „	Peel	70
13 April	Tower	69
18 „	Commerce	79
21 „	Tower	69
3 May	Chamberlain	84
5 „	Tower	69
5 „	Fire Brick	60
17 „	ditto	60
7 June	Tower	69
12 August	ditto	65
28 „	ditto	66
5 September	Chamberlain	82
9 „	Tower	62
25 „	ditto	64
29 „	Perkins	75
26 October	Jane	72
9 November	Tower	64
16 „	Jane	72
16 „	Sarah Jane	90
17 „	John	66
23 „	Tower	64
25 „	Bramble	73
4 December	Jane	75
	TOTAL to Prestatyn, North Wales, in 1848	1,885
1849:		
3 January	Imperial	74
8 „	Tower	65
5 February	ditto	70
19 „	Imperial	73
20 „	Tower	66
20 March	ditto	65
26 „	Waterloo	71
28 „	Tower	67
12 April	ditto	66
19 „	Waterloo	75
30 „	ditto	73
2 May	Tower	67
9 „	Waterloo	74
14 „	ditto	74
24 „	Margaret and Ann	86½
13 June	Margaret	86
22 „	Margaret and Ann	86
28 „	- - ditto	86
13 July	- - ditto	86
21 „	- - ditto	80
28 „	- - ditto	80
31 „	Richard	62
8 August	Margaret and Ann	80
15 „	- - ditto	80
22 „	Waterloo	70
4 September	- - ditto	73
11 „	Margaret and Ann	80
26 „	- - ditto	86
8 October	- - ditto	86
1 November	Waterloo	74
8 „	Margaret and Ann	86
24 „	Waterloo	74
28 „	Margaret and Ann	98

DATE.	VESSEL.	TONS.
1849:		
1 December	Waterloo	74
6 „	Thomas Green	34
7 „	Waterloo	74
8 „	Margaret and Ann	104
	TOTAL to Prestatyn in 1849	2,805½
1850:		
1 January	Waterloo	75
8 „	Margaret and Ann	98
21 „	Waterloo	74
25 „	Margaret and Ann	110
2 February	- - ditto	110
23 „	Thomas Green	34
4 March	Margaret and Ann	98
23 „	- - ditto	92
1 April	Waterloo	74
13 „	ditto	74
15 „	Margaret and Ann	98
25 „	Waterloo	73
27 „	Margaret and Ann	96
7 May	Waterloo	74
13 „	Tower	64
22 „	Waterloo	73
30 „	- ditto	73
17 June	- ditto	70
28 „	- ditto	70
12 July	- ditto	73
18 „	Thomas Green	35
19 „	Waterloo	73
25 „	- ditto	73
9 August	Thomas Green	31
14 „	Waterloo	73
27 „	Sisters	58
27 „	Waterloo	73
13 September	- ditto	73
16 „	Sisters	58
19 „	Waterloo	73
19 „	Thomas Green	32
21 „	Sisters	60
8 October	Waterloo	75
23 „	- ditto	75
28 „	Sisters	60
29 „	Tower	67
29 „	Waterloo	75
12 November	Tower	69
25 „	Waterloo	80
12 December	Sisters	60
20 „	ditto	60
22 „	Waterloo	76
26 „	Sisters	60
25 „	Tower	67
	TOTAL to Prestatyn in 1850	3,139
1851:		
18 January	Sisters	60
22 „	Tower	64
22 „	Thomas Green	32
23 „	Waterloo	75
5 February	Tower	64
8 „	Waterloo	75
20 „	- ditto	78

DATE.	VESSEL.	TONS.
1851:		
11 March	Waterloo	77
19 „	ditto	75
3 April	Tower	68
4 „	Waterloo	77
16 „	ditto	75
22 „	Thomas Green	34
24 „	Sisters	60
8 May	Thomas Green	34
15 „	ditto	34
15 „	Tower	67
5 June	Waterloo	74
6 „	Tower	67
9 „	Thomas Green	33
13 „	Waterloo	76
21 „	ditto	76
2 July	ditto	76
10 „	ditto	71
12 „	Tower	62
18 „	Sisters	60
22 „	Thomas Green	30
28 „	Tower	66
1 August	Waterloo	75
2 „	Sisters	60
11 „	Tower	66
15 „	Waterloo	73
20 „	Thomas Green	33
4 September	Waterloo	75
6 „	Sisters	60
8 „	Tower	64
12 „	Waterloo	72
17 „	Tower	65
26 „	Waterloo	75
6 October	ditto	72
11 „	Tower	64
15 „	Waterloo	73
28 „	Thomas Green	32
31 „	Waterloo	75
10 November	Sisters	61
10 „	Waterloo	78
13 „	Tower	63
17 „	Sisters	60
22 „	ditto	60
26 „	Waterloo	72
28 „	Tower	62
5 December	Waterloo	73
15 „	Sisters	60
15 „	Waterloo	73
19 „	Tower	65
20 „	Waterloo	73
22 „	Sisters	60
26 „	Tower	65
30 „	Waterloo	73
	TOTAL to Prestatyn in 1851	3,772
1852:		
24 February	Tower	65
1 March	Waterloo	78
6 „	Tower	67
6 „	Waterloo	76
15 „	Tower	67
22 „	Waterloo	78
23 „	Tower	66
5 April	Waterloo	78
20 „	ditto	78
29 „	Thomas Green	33
30 „	Waterloo	77
5 May	ditto	77
11 „	John	60
17 „	Waterloo	77
19 „	John	60
21 „	Waterloo	77
22 „	Tower	69
11 June	Waterloo	75

DATE.	VESSEL.	TONS.
1852:		
12 June	Sisters	57
5 July	Waterloo	74
9 „	John	58
30 „	ditto	60
4 August	Waterloo	75
25 „	ditto	74
31 „	ditto	74
9 September	ditto	74
16 „	John	59
16 „	Thomas Green	35
28 „	John	60
1 October	Waterloo	78
4 „	Thomas Green	32
16 „	Waterloo	76
19 „	Thomas Green	34
22 „	John	55
6 November	Sisters	56
18 „	Tower	67
18 „	Waterloo	75
29 „	ditto	80
29 December	Thomas Green	33
29 „	Tower	66
31 „	John	58
	TOTAL to Prestatyn in 1852	2,668
1 April	Olivia	90
11 June	ditto	85
15 July	ditto	85
14 August	ditto	85
11 December	ditto	86
	TOTAL to Bagilt in 1852	431
1853:		
12 January	Waterloo	75
17 „	Thomas Green	35
31 „	Waterloo	75
4 February	John	60
17 „	ditto	58
25 „	Waterloo	77
11 March	Tower	66
19 „	ditto	66
28 „	Waterloo	77
29 „	Tower	66
4 April	Waterloo	77
27 „	ditto	75
2 May	Harry	88
3 „	Fire Brick	59½
4 „	Sisters	59
5 „	Brothers	66
7 „	Waterloo	75
10 „	Sisters	59
16 „	Tower	71
14 June	Sisters	59
15 „	Harry	89
16 „	Tower	64
16 „	Varchurll	25
20 „	Waterloo	77
29 „	ditto	78
16 July	ditto	75
23 „	ditto	81
6 August	Tower	66
10 „	Waterloo	76
15 „	Tower	66
20 „	Waterloo	73
27 „	Thomas Green	30
29 „	Waterloo	79
31 „	Tower	69
14 September	ditto	66
19 „	ditto	66
19 „	Waterloo	76

Appendix, No. 2.

DATE.	VESSEL.	TONS.
1853:		
5 October	Waterloo	78
12 „	Tower	66
14 „	Waterloo	77
25 „	ditto	77
2 November	John	59
4 „	Waterloo	77
16 „	ditto	81
26 „	ditto	77
6 December	ditto	79
24 „	ditto	80
	TOTAL to Prestatyn in 1853	3,250½
1854:		
14 January	Waterloo	80
21 „	Thomas Green	28
1 February	Tower	66
11 „	Thomas Green	33
15 „	Tower	66
3 March	John	59
4 „	Thomas Green	33
11 „	Tower	67
18 „	Waterloo	77
29 „	Sisters	65
4 April	Waterloo	79
4 „	Tower	69
21 „	Waterloo	78
1854:		
25 April	Tower	67
4 May	Waterloo	78
26 August	ditto	78
6 September	Sisters	57
17 „	Active	56
1 November	Waterloo	75
4 „	Elizabeth	29
	TOTAL to Prestatyn in 1854	1,240
10 November	Richard (To Dublin.)	95
1855:		
3 January	Elizabeth	30
8 „	Thomas Green	34
15 „	Waterloo	78
24 „	Tower	75
29 „	Waterloo	80
16 March	Active	65
17 „	Waterloo	80
9 April	ditto	82
13 „	Active	60
	TOTAL	584

SUMMARY.

YEAR.		CARGOES.	TONS.
1848	To North Wales, Prestatyn	27	1,885
1849	Ditto ditto	36	2,805½
1850	Ditto ditto	44	3,139
1851	Ditto ditto	59	3,772
1852	Ditto ditto	41	2,668
	Bagilt	5	431
	TOTAL in 1852	46	3,099
1853	To North Wales, Prestatyn	47	3,250½
1854	Ditto ditto	20	1,240
	To Ireland, Dublin	1	95
1855	To North Wales, Prestatyn	9	584
1846 to 1856	To Ulverstone, per Esther	17	492
„ „	To Amlwch, per Salus	8	266

(No. 2.) Appendix, No. 2.

THE following is a List of the TOLLS charged formerly and now charged by Canal from *Marston* in *Cheshire* to *London*.

Miles.		Formerly.	Now.
		s. d.	*s. d.*
59	By Trent and Mersey - - - -	3 8	2 5½
5½	Coventry Junction - - - - -	– 1¼	– 1½
5½	Birmingham - - - - - - -	– 5¼	– 5⅛
22⅛	Coventry - - - - - - - -	– 5½	– 5½
22	Oxford - - - - - - - -	1 8	– 10
101	Grand Junction Canal - - - -	4 2½	1 6
4	Regent's Canal - - - - -	– 3	– 3
219		10 9¾	6 – ¾
		¾ 6 – ¾	
	Reduction - - -	4 9	

Being a reduction of nearly 50 per cent.

The Canal TOLLS are as follows, from *Droitwich, Worcestershire,* to *London*.

Miles.		Formerly.	Now.
		s. d.	*s. d.*
14	Worcester and Birmingham - - -	1 6	– 6
17⅞	Stratford - - - - - - - -	– 8	– 4
7	Warwick and Birmingham - - - -	1 –	– 3
15	Warwick Knapton - - - - -	1 –	– 4½
5½	Oxford - - - - - - - -	1 –	– 5
101	Grand Junction - - - - - -	4 2½	1 6
4	Regent's Canal - - - - - -	– 6	– 3
164⅜		9 10½	3 7½
		3 7½	
	Reduction - - -	6 3	

Being a reduction of 200 per cent.

By railway to London the charges are now:

	s. d.
From Droitwich to Camden Town - - - - -	6 8
„ Poplar, viz., India Docks - - -	8 3

Appendix, No. 2.

The charges made on the arrival of the Salt in the Port of London if conveyed coastwise in ships, are

	s.	d.
Liverpool town dues	–	3
Weaver dues	1	–
Fellowship porter dues in London	1	3
Being a charge of	2	6

per ton, on which we receive no commensurate benefit.

(No. 3.)

Expense of Transit of Coal from *St. Helen's, Lancashire,* to *Winsford, Cheshire.*

	s.	d.
Railway charge for conveyance of coal from St. Helen's to Winsford salt works, on the railway, 24 miles at 1 *s.* per mile	2	–

Expenses of transit of coal from St. Helen's to Winsford salt works on the Weaver, having no communication with railway.

	s.	d.
Tonnage on Sankey canal	–	8
„ Weaver navigation	–	8
Flat-master's freight to Winsford	–	11
Flat-owners' „	–	6
	2	9

Thus showing a difference of 9 *d.* per ton.

Expense of Transit of Coal from *Leigh,* near *Wigan, Lancashire,* to *Anderton Salt-works,* on the *Trent & Mersey Canal.*

	s.	d.
Canal dues on Bridgewater, 33 miles	–	6
„ Trent and Mersey, 7 miles	–	4
Boatman's freight	1	–
Boatowner's freight	–	4
	2	2

From the same colliery to a salt work on the *Weaver,* at *Winnington,* situated exactly opposite to the one on the *Trent* and *Mersey.*

	s.	d.
Canal dues on Bridgewater, 33 miles	–	6
River Weaver Tonnage, about 8 miles	–	8
Boatman's freight	1	4
Boatowner's freight	–	6
	3	0 per ton.

Thus showing a difference of 10 *d.* per ton.

Appendix, No. 3.

SALT Shipped Coastwise from *John Smith's* Works.

1849:			
16 March	per Tom	95 tons salt	to Amlwch.
1852:			
9 July	per Harry	86 „ „	
1851:			
18 September	per George	35 tons salt	to Abergelly.
1851:			
18 February	per Oliver	24 tons salt	to Bagilt.
7 June	per Oliver	11 „ „	
1851:			
21 April	per Caledonia	46 tons salt	Nine cargoes to Carlisle.
8 July	per Maria	43 „ „	
3 September	per Fly	46 „ „	
15 October	per Mary Ann	65 „ „	
7 November	per James	41 „ „	
11 December	per Eagle	42 „ „	
1852:			
1 April	per Lievesley	67 „ „	
20 April	per Caledonia	46 „ „	
6 June	per Ant and Mary Jane	75 „ „	
1851:			
17 November	per Jennets	48 tons salt	Five cargoes to Annan, Scotland.
12 December	per Fly	50 „ „	
1852:			
16 September	per Maria	32 „ „	
7 October	per Druid	26 „ „	
29 October	per St. Winfred	59 „ „	
1852:			
14 December	per Harry	45 tons salt	to Menai Bridge.
1854:			
23 June	per Prince Llawillen	8 tons salt	Six cargoes to Conway.
12 December	per George, Harry, and Percy	172 „ „	
1855:			
5 February	per George	30 „ „	
15 August	per George	24 „ „	
1852:			
31 August	per Helen	80 tons salt	to Waterford, Ireland.
1855:			
28 August	per John	76 tons salt	to Newry, Ireland.

SALT Shipped from *W. W.* & Son's Works.

6 June 1846 to 8 June 1855.	17 cargoes salt, per Esther, to Ulverstone, 29 tons each cargo.
20 November 1848 to 12 February 1849.	3 cargoes salt, per Salus, to Amlwch, 90 tons each cargo.

Appendix, No. 4.

Liverpool, 16 November 1855.

Messrs. Rabone, Brothers & Co., Birmingham, To Rickarby & Harding, Dr.

For Charges on Goods shipped on board the "Mermaid," *Devey*, Master, for *Melbourne* and *Geelong*, and consigned to Order, deliverable in *Hobson's Bay, Melbourne*.

Mark.	Nos.	Description of Goods.	Dock Dues.		Town Dues.		Cartage and Porterage.		Commission.		——	——
			d.	s. d.	d.	s. d.	d.	s. d.	d.	s. d.	£. s. d.	£. s. d.
(Mark)	726/27	2 Bundles sieves - - -	3	- 6	2	- 4	6	1 -	9	1 6		
"	1,030/32	3 Bundles spades - - -	1	- 3	-½	- 2	3	- 9	3	- 9		
"	1053	1 Cask ink - - - -	3	- 3	2	- 2	11	- 11	1/6	1 6		
"	1042/43. 1050	3 Casks glass - - -	3	- 9	2	- 6	11	2 9	1/6	4 6		
"	1038/41. 1049	5 Cases hardware - -	3	1 3	2	- 10	11	4 7	1/6	7 6		
"	1033/37. 1051	12 Casks, hardware - -	3	3 -	2	2 -	11	11 -	1/6	18 -		
"	1044/48. 1052											
		6 *s.*, less ⅓ = 2 *s.*		4 -		4 -		21 -		33 9	3 2 9	
								Bills lading - - -			- 2 6	
												3 5 3
		To order (deliverable on the wharf) Melbourne:										
(Mark)	152/71. 595/602	28 Kegs nails, - 28 cwt.	1	2 4	-½	1 2	1	2 4	4½	10 6		
"	805/54. 662/711	100 Bundles spades - -	1	8 4	-½	4 2	3	25 8	3	25 -		
"	1052/75	24 Bundles pans - -	1	2 -	1	2 -	4	8 -	4	8 -		
"	932/936	5 Casks saddles - - -	3	1 3	2	- 10	6	2 6	1/-	5 -		
"	938	1 Case hardware - - -	3	- 3	2	- 2	11	- 11	1/6	1 6		
"	937. 959/64. 603/5	10 Casks " - - -	3	2 6	2	1 8	11	9 2	1/6	15 -		
		16 *s.* 8 *d.*, less ⅓ = 5 *s.* 6 *d.*		11 2		10 -		47 11		65 -	6 14 1	
								Bills lading - - -			- 2 6	
												6 16 7
		To order (deliverable on the wharf) Geelong:										
(Mark)	6179/84	24 Skeleton cases stoves T. cwt. qrs. lbs. 1. 18. 3. 11.	3	6 -	2	4 -	6	12 -	6	12 -		
"	6179 A to R											
"	6136/65	30 Kegs nails - 1. 10. 0. 0.	1	2 6	-½	1 3	1	2 6	4½	11 3		
"	6000/5. 6007	7 Casks " - 2. 10. 0. 0.	3	1 9	1	- 7	11	6 5	1/6	10 6		
"	5968/69	2 Mats hardware - - -	3	- 6	2	- 4	11	1 10	1/6	3 -		
"	6166. 6207/6212	7 Cases " - - -	3	1 9	2	1 2	11	6 5	1/6	10 6		
"	6213/6222	10 Cases " - - -	3	2 6	2	1 8	6	5 -	1/-	10 -		
"	6006. 6133/35 6223/29	11 Casks " - - -	3	2 9	2	1 10	11	10 1	1/6	16 6		
		17 *s.* 9 *d.*, less ⅓ = 5 *s.* 11 *d.*		11 10		10 10		44 3		73 9	7 - 8	
								Bills lading - - -			- 2 6	
												7 3 2
											£.	17 5 -

2d Sheet.

Liverpool, 27 November 1855.

Messrs. Rabone, Brothers, & Co., Birmingham, To Rickarby & Harding, Dr.

For Charges on Goods Shipped on board the "Salopian," *Tallentyre*, Master, for *St. Thomas*, and consigned as under.

Mark.	Nos.	Description of Goods.	Dock Dues.		Town Dues.		Cartage and Porterage.		Commission.		——	——
				d.		d.		s. d.		s. d.	£. s. d.	£. s. d.
										Brought forward - - -		19 3 4
		To Sores Von Lindeman, Brothers: Cwt. qrs. lbs.										
(Mark)	—	60 Dutch stoves 5. 3. 22.	8	2	6	2	3/	- 9	3/	- 9		
"	98	1 Cask grates - - -	-	3	-	2	-	- 6	-	- 6		
"	99	1 Cask hardware - -	-	3	-	2	-	- 6	-	1 -		
"	100	1 Cask glass - - -	-	3	-	2	-	- 11	-	1 6		
		11 *d.* less ½ = 3 *d.* - -		8		8		2 8		3 9	- 7 9	
								Bills lading - - -			- 2 6	
		To Sores Riera & Sons:										- 10 3
(Mark)	793	1 Cask hardware	2	4	2	4	11	1 10	1/6	3 -		
"	794	1 Case hardware										
"	795/796	2 Cases " - -	2	4	2	4	6	1 -	1/	2 -		
				8		8		2 10		5 -	- 9 2	
								Bills lading - - -			- 2 6	
												- 11 8
		Deduct overcharge in carriage account, for October, on [A.D.] 729 = 1 case - - - - - -									- - 6	20 5 3
		Deduct allowance in commission on [A.F. & Co.] 605/31 = 27 casks shot ex "Barend Willeen" - - -									- 3 5	
												- 3 11
											Say £.	20 1 4

		£. s. d.	£. s. d.
Dr.	Shipping charges - - -	18 16 9	
Dr.	Charges on wine - - - -	1 8 6	
			20 5 3
	Credit commission account - - - - -		- 3 11
			£. 20 1 4

Appendix, No. 5.

LETTER from *Spencer Shelley*, Esq., to the Right Hon. *Robert Lowe*, M. P., Chairman, dated 26 June 1856. Appendix, No. 5.

Sir, Treasury, 26 June 1856.

WHEN I was examined before the Local Dues on Shipping Committee, I was asked (by Mr. Bouverie) whether a Return could be furnished to the Committee, showing what claims for payment of dues under Treaties of Reciprocity had lapsed or ceased between the date of the passing of the Act 59 Geo. 3, c. 54, and the present time, and the cause of such lapse or cession. I stated that such an account could be supplied, and I now accordingly beg leave to transmit to you, to be laid before the Committee—

1st. A Statement of the Claims which have been relinquished, or in any way ceased; showing the dates of the first and of the last Payment, and specifying the various Acts, Orders, or Authorities, under which they have so ceased.

2d. A Statement of Claims which do not appear to have been paid subsequently to the dates specified; but no reasons have been assigned for the discontinuance of the Claims.

Those papers have been compiled by the officers of the Trinity Board, who alone have the requisite information.

I am, &c.

The Right Hon. Robert Lowe, M.P., Chairman. (signed) *Spencer Shelley.*

No. 1.—A STATEMENT of the several Claims on the CONSOLIDATED DUTIES of CUSTOMS paid under the Act 59 Geo. 3, c. 54, and subsequent Orders of the Right Honourable the Lords Commissioners of Her Majesty's Treasury, which have been Relinquished, or have in any way Ceased; showing the Date of the First and also the Last Payment, and specifying the various ACTS, ORDERS, AUTHORITIES, &c., under which any of them have been so Relinquished, or have in anyway Ceased.

PORT or PLACE.	Description of Duty.	In whom Vested.	Date of First Payment.	Date of Last Payment.	Acts, Orders, Authorities, &c., by which become Extinct.
Aberdeen	Harbour dues	Commissioners	1825	1844	Treasury letter, 31 March 1849; 6 & 7 Vict. c. 72, 10 Vict. c. 72.
Bristol	Pilotage	Pilots	1820	1838	Voluntarily discontinued, 29 September 1837.
Burnham	Light	Lessee	1820	1829	Purchased by Trinity Corporation, August 1829.
Cinque Port	Pilotage	Pilots	1820	1826	Abolished; 6 Geo. 4, c. 125.
Fern	Lights	Lessee	1820	1825	Purchased by Trinity Corporation, December 1824.
Flatholm	Light	Lessee	1820	1827	- ditto - - - ditto - - March 1823.
Forelands	Light	Proprietor	1820	1833	Transferred to - - ditto - - 1 July 1832.
Harwich	Lights	Proprietor	1820	1837	Purchased by - - ditto - - 1 January 1837.
Hunstanton	Light	Lessees	1825	1837	- ditto - - - ditto - - - ditto.
Leith	Dock and Harbour dues.	Lord Provost, &c.	1820	1848	Treasury letter, 31 March 1849; 6 & 7 Vict. c. 72, 10 Vict. c. 27.
Londonderry	Quay dues	Corporation	1828	1844	Ceased 11 June 1844.
Ditto	Pilotage	Pilots	1830	1855	Abolished; 17 & 18 Vict. c. 77.
Longships	Light	Lessee	1820	1837	Purchased by Trinity Corporation, 20 March 1836.
Penzance	Harbour dues	Mayor, &c.	1832	1843	Abolished by Order in Council, 25 February 1841; 3 Vict. c. 72.
Plymouth	ditto	Sutton Pool Corporation.	1825	1851	- ditto - 10 Vict. c. 27.
Portsmouth	Local dues	Governor	1825	1835	- ditto - Treasury Order, 9 February 1836.
Ramsgate	Harbour dues	Trustees	1820	1823	Relinquished in 1823.
Skerries	Light	Proprietor	1820	1842	Purchased by Trinity Corporation, 1 October 1841.
Smalls	ditto	Lessees	1820	1837	- ditto - - - - ditto - 26 March 1836.
Spurn	ditto	Proprietors	1821	1841	- ditto - - - - ditto - 1 April 1841.
Stockton	Tees Navigation dues.	Commissioners	1825	1834	Abolished 1 January 1834; 9 Geo. 4, c. 97.
Tinmouth	Light	Proprietor	1820	1841	Purchased by Trinity Corporation, 1 January 1841.
Ditto	Local dues	Castle Governor	1825	1840	
Trinity House	Ballast	Corporation of Trinity House, London.	1820	1823	Voluntarily relinquished in 1823.
Ditto	Lights	ditto - ditto	1820	1823	- ditto - - - ditto.
Ditto	Pilotage	ditto - ditto	1820	1823	- ditto - - - ditto.
Ditto	Trinity dues	ditto - ditto	1820	1823	- ditto - - - ditto.

Trinity House, 25 June 1856. E. E. *P. H. Berthon*, Secretary.

No. 2.—A STATEMENT of the several Claims on the CONSOLIDATED DUTIES of CUSTOMS paid under the Act 59 Geo. 3, c. 54, and subsequent Orders of the Right Honourable the Lords Commissioners of Her Majesty's Treasury, in which the Claims do not appear to have been paid subsequently to the Date specified; but no reason has been assigned for the discontinuance of the Claim.

PORT OR PLACE.	DESCRIPTION OF DUTY.	IN WHOM VESTED.	Date of First Payment.	Date of Last Payment.
Belfast	Ballast dues	Corporation	1831	1831
Ditto	Harbour dues	ditto	1831	1831
Ditto	Pilotage	ditto	1831	1831
Colchester	Channel dues	Commissioners	1825	1832
Dundee	Harbour dues	-	1824	1830
Eyemouth	ditto	Trustees	1832	1840
Galway	Pilotage	Pilots	1829	1841
Grangemouth	Forth and Clyde Navigation dues.	Governor and Council	1831	1851
Hull	Pilotage	Pilot and Ballast Office	1822	1832
Ditto	ditto	Trinity House, Hull	1826	1852
Ditto	Dock dues	Dock Company Composition effected in 1847.	1820	1845
Ipswich	Local dues	Water Bailiff	1825	1844
Ditto	Pilotage	Pilots	1825	1844
Ditto	River dues	Commissioners	1825	1837
Irish	Lights	-	1820	1837
Leith	Anchorage	-	1821	1821
Mumbles	Light	Lessees	1825	1829
Northern	Lights	Commissioners	1820	1837
Plymouth	Citadel dues	Governor	1827	1835
Port Glasgow	Pilotage	Pilots	1828	1854
Portsmouth	Harbour dues	Corporation	1825	1840
Sligo	Ditto	Commissioners	1828	1846
Ditto	Pilotage	ditto	1828	1846
Southwold	Harbour dues	Corporation	1826	1848
Stockton	Pilotage	Pilots	1825	1841
Waterford	Ballast dues	Commissioners	1829	1845
Ditto	Harbour dues	ditto	1829	1847
Ditto	Pilotage	ditto	1829	1847
Wisbeach	Ditto	Pilots	1825	1851
Yarmouth	Harbour dues	Commissioners	1825	1848

Trinity House, 25 June 1856. E. E. *P. H. Berthon*, Secretary.

Appendix, No. 6.

PAPER furnished by Mr. *John Henry Butterfield*, and referred to in his Evidence of 2 June 1856.

(No. 1.)—A STATEMENT of the SEVERAL CLAIMS on the CONSOLIDATED DUTIES of CUSTOMS Paid under the Act 59 Geo. 3, c. 54, and subsequent Orders of the Right Honourable the Lords Commissioners of Her Majesty's Treasury, which have been Relinquished or have in any way Ceased, showing the DATE of the FIRST and also the LAST PAYMENT, and specifying the various ACTS, ORDERS, AUTHORITIES, &c., under which any of them have been so Relinquished, or have in any way Ceased.

PORT or PLACE.	Description of Duty.	In whom Vested.	DATE of First Payment.	DATE of Last Payment.	ACTS, ORDERS, AUTHORITIES, &c., by which become Extinct.
Aberdeen	Harbour dues	Commissioners	1825	1844	Treasury letter, 31st March 1849; 6 & 7 Vict.. c. 72; 10 Vict., c. 72.
Bristol	Pilotage	Pilots	1820	1838	Voluntarily discontinued, 29th September 1837.
Burnham	Light	Lessee	1820	1829	Purchased by Trinity Corporation, August 1829.
Cinque Port	Pilotage	Pilots	1820	1826	Abolished 6 Geo. 4, c. 125.
Fern	Lights	Lessee	1820	1825	Purchased by Trinity Corporation, December 1824.
Flatholm	Light	Lessee	1820	1827	- - ditto - - ditto - - March 1823.
Forelands	Light	Proprietor	1820	1833	Transferred to - ditto - - 1st July 1832.
Harwich	Lights	Proprietor	1820	1837	Purchased by - ditto - - 1st January 1837.
Hunstanton	Light	Lessees	1825	1837	- - ditto - - ditto - - ditto.
Leith	Dock and harbour dues	Lord Provost, &c.	1820	1848	Treasury Letter, 31st March, 1849; 6 & 7 Vict., c. 72; 10 Vict., c. 27.
Londonderry	Quay dues	Corporation	1828	1844	Ceased 11th June 1844.
Londonderry	Pilotage	Pilots	1830	1855	Abolished, 17 & 18 Vict., c. 77.
Longships	Light	Lessee	1820	1837	Purchased by Trinity Corporation, 26th March 1836.
Penzance	Harbour dues	Mayor, &c.	1832	1843	Abolished, by Order in Council, 25th February 1841; 3 Vict., c. 72.
Plymouth	- ditto	Sutton Pool Corporation	1825	1351	- - ditto - - - - - - - - 10 Vict., c. 27.
Portsmouth	Local dues	Governor	1825	1835	- - ditto - - Treasury Order, 9th February 1836.
Ramsgate	Harbour dues	Trustees	1820	1823	Relinquished in 1823.
Skerries	Light	Proprietor	1820	1842	Purchased by Trinity Corporation, 1st October 1841.
Smalls	ditto	Lessees	1820	1837	- - ditto - - ditto - - 26th March 1836.
Spurn	ditto	Proprietors	1821	1841	- - ditto - - ditto - - 1st April 1841.
Stockton	Fees navigation dues	Commissioners	1825	1834	Abolished 1st January 1834; 9 Geo. 4, c. 97.
Tinmouth	Light	Proprietor	1820	1841	Purchased by Trinity Corporation, 1st January 1841.
Tinmouth	Local dues	Castle Governor	1825	1840	
Trinity House	Ballast	Corporation of Trinity House, London.	1820	1823	Voluntarily relinquished in 1823.
Trinity House	Lights	- - ditto - ditto	1820	1823	- - ditto - - ditto.
Trinity House	Pilotage	- - ditto - ditto	1820	1823	- - ditto - - ditto.
Trinity House	Trinity dues	- - ditto - ditto	1820	1823	- - ditto - - ditto.

Trinity House, 25 June 1856.

E. E.

P. H. Berthon, Secretary.

Appendix, No. 6.

(No. 2.)—A STATEMENT of the Several Claims on the Consolidated Duties of Customs, paid under the Act 59 Geo. 3, cap. 54, and subsequent Orders of the Right Honourable the Lords Commissioners of Her Majesty's Treasury, in which the Claims do not appear to have been paid subsequently to the Date specified, but no reason has been assigned for the discontinuance of the Claim.

Port or Place.	Description of Duty.	In Whom Vested.	Date of First Payment.	Date of Last Payment.
Belfast	Ballast dues	Corporation	1831	1831
Belfast	Harbour dues	- ditto	1831	1831
Belfast	Pilotage	- ditto	1831	1831
Colchester	Channel dues	Commissioners	1825	1832
Dundee	Harbour dues	-	1824	1830
Eyemouth	- ditto	Trustees	1832	1840
Galway	Pilotage	Pilots	1829	1841
Grangemouth	- Forth and Clyde navigation dues.	Governor and Coucil	1831	1851
Hull	Pilotage	Pilot and ballast-office	1822	1832
Hull	- ditto	Trinity House, Hull	1826	1852
Hull	Dock dues	- Dock Company; composition effected in 1847.	1820	1845
Ipswich	Local dues	Water bailiff	1825	1844
Ipswich	Pilotage	Pilots	1825	1844
Ipswich	River dues	Commissioners	1825	1837
Irish	Lights	-	1820	1837
Leith	Anchorage	-	1821	1821
Mumbles	Light	Lessees	1825	1829
Northern	Lights	Commissioners	1820	1837
Plymouth	Citadel dues	Governor	1827	1835
Port Glasgow	Pilotage	Pilots	1828	1854
Portsmouth	Harbour dues	Corporation	1825	1840
Sligo	- ditto	Commissioners	1828	1846
Sligo	Pilotage	- ditto	1828	1846
Southwold	Harbour dues	Corporation	1826	1848
Stockton	Pilotage	Pilots	1825	1841
Waterford	Ballast dues	Commissioners	1829	1845
Waterford	Harbour dues	- ditto	1829	1847
Waterford	Pilotage	- ditto	1829	1847
Wisbeach	- ditto	Pilots	1825	1851
Yarmouth	Harbour dues	Commissioners	1825	1848

Trinity House, 25th June 1856.

E. E.

P. H. Berthon, Secretary.

(No. 3.)—A STATEMENT of the present existing CLAIMS on the CONSOLIDATED DUTIES of CUSTOMS, under the Act 59 Geo. 3, c. 54, and subsequent Orders of the Right Honourable the Lords Commissioners of Her Majesty's Treasury, showing the Date of the First Payment thereof. Appendix, No. 6.

PORT.	Description of Duty.	In Whom Vested.	Date of First Payment.
Berwick	Harbour dues	Commissioners	1826
Berwick	Pilotage	Pilots	1826
Blakeney	Harbour dues	Directors	1844
Blakeney	Pilotage	- ditto	1844
Boston	Harbour dues	- - Town Council; this claim is made from 1841 to 1856.	
Boston	Pilotage	Pilots	1846
Carnarvon	Local dues	Trustees	1837
Cumray	Light	- ditto	1825
Drogheda	Pilotage	Pilots	1852
Dublin	Ballast dues	Ballast Corporation	1828
Dublin	Harbour dues	- - ditto	1828
Dublin	Pilotage	- - ditto	1828
Dundee	Lights	Proprietors of Tay	1825
Glasgow	Pilotage	Pilots	1842
Greenock	Harbour dues		1820
Greenock	Pilotage	Pilots	1820
Hull	Harbour dues	Corporation	1820
Hull	- ditto	Trinity House, Hull	1820
Liverpool	Anchorage	Corporation	1845
Liverpool	Pilotage	Pilots	1820
Londonderry	Harbour dues	Ballast Committee	1828
Lostwithiel	- ditto	Corporation	1852
Lynn	- ditto	- ditto	1825
Lynn	Mooring dues	Commissioners	1825
Lynn	Pilotage	Pilots	1825
Newcastle	Anchorage	Duke of Northumberland	1825
Newcastle	Harbour dues	Corporation	1825
Newcastle	Local dues	Free Hostmen	1825
Newcastle	Lights	Trinity House, Newcastle	1820
Newcastle	Pilotage	- ditto - - ditto	1825
Port Glasgow	Harbour dues	Commissioners	1828
Rochester	Anchorage	Corporation	1829
Saltash	- ditto	- ditto	1835
Shoreham	Harbour dues	- ditto	1826
Southampton	- ditto	Commissioners	1825
Stockton	- ditto	Corporation	1825
Wisbeach	- ditto	- ditto	1825

Trinity House, 25 June 1856.

E. E. *P. H. Berthon*, Secretary.

Appendix, No. 7.

RETURN of the AMOUNTS claimed of Her Majesty's Customs, on account of DIFFERENTIAL DUES in the Year 1855, and submitted for Examination to the CORPORATION of TRINITY HOUSE; specifying the particular Heads under which the Claims were made, and the Total Amount at each Port.

PORTS.	Anchorage.	Ballast Dues.	Cumray Light.	Harbour Dues.	Hostmen's Dues.	Lights.	Mooring Dues.	Pilotage.	Tay Lights.	Tonnage Dues.	Town Dues.	Trinity Dues.	Total Amount of Claim at each Port.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Berwick	- -	- -	- -	44 7 2	- -	- -	- -	8 8 4	- -	- - -	- - -	- - -	52 15 6
Blakeney	- -	- -	- -	3 11 2	- -	- -	- -	17 1 3	- -	- - -	- - -	- - -	20 12 5
Boston	- -	- -	- -	- - -	- -	- -	- -	17 4 10	- -	- - -	- - -	- - -	17 4 10
Drogheda	- -	- -	- -	- - -	- -	- -	- -	1 1 -	- -	- - -	- - -	- - -	1 1 -
Dublin	- -	460 19 3	- -	- - -	- -	- -	- -	408 11 10	- -	1,521 10 5	- - -	- - -	2,391 1 6
Dundee	- -	- -	- -	- - -	- -	- -	- -	- - -	210 16 5	- - -	- - -	- - -	210 16 5
Glasgow	- -	- -	284 13 5	- - -	- -	- -	- -	253 - 1	- -	- - -	- - -	- - -	537 13 6
Greenock	- -	- -	54 17 6	529 14 4	- -	- -	- -	17 10 1	- -	- - -	- - -	- - -	602 1 11
Hull	- -	- -	- -	- - -	- -	- -	- -	- - -	- -	- - -	3,509 15 5	8,015 2 6	11,524 17 11
Liverpool	- 20 3 3	- -	- -	- - -	- -	- -	- -	7,804 4 -	- -	- - -	- - -	- - -	7,824 7 3
Lostwithiel	- - -	- -	- -	1 9 4	- -	- -	- -	- - -	- -	- - -	- - -	- - -	1 9 4
Lynn	- - -	- -	- -	- - -	- -	- -	28 2 8	93 8 3	- -	- - -	38 11 7	- - -	160 2 6
Newcastle	- 493 17 -	- -	- -	- - -	66 18 -	357 3 1	- -	7,090 13 9	- -	- - -	6,241 19 4	- - -	14,250 11 2
Port Glasgow	- - -	- -	1 2 3	8 18 -	- -	- -	- -	- - -	- -	- - -	- - -	- - -	10 - 3
Rochester	- 7 - -	- -	- -	- - -	- -	- -	- -	- - -	- -	- - -	- - -	- - -	7 - -
Saltash	- 36 19 -	- -	- -	- - -	- -	- -	- -	- - -	- -	- - -	- - -	- - -	36 19 -
Shoreham	- - -	- -	- -	280 6 6	- -	- -	- -	- - -	- -	- - -	- - -	- - -	280 6 6
Southampton	- - -	- -	- -	211 15 8	- -	- -	- -	- - -	- -	- - -	- - -	- - -	211 15 8
Stockton	- - -	- -	- -	- - -	- -	- -	- -	- - -	- -	- - -	42 5 -	- - -	42 5 -
Wisbeach	- - -	- -	- -	- - -	- -	- -	- -	- - -	- -	- - -	74 11 -	- - -	74 11 -
£.	557 19 3	460 19 3	340 13 2	1,080 2 2	66 18 -	357 3 1	28 2 8	15,711 3 5	210 16 5	1,521 10 5	9,907 2 4	8,015 2 6	38,257 12 8

Trinity House,
6 June 1856.

E. E.

P. H. Berthon,
Secretary.

Appendix, No. 8.

AN ACCOUNT of the Quantities of Goods Imported into *Cork* from *Liverpool*, in the Year 1855, with an Estimate of the *Liverpool* Town Dues on the same.

		Dues. £. s. d.			Dues. £. s. d.
Ale	239 hogsheads; 2,081 barrels.	10 13 3	Indian Corn	17,753 quarters; 10,740 sacks; 2,004 tons.	64 19 –
Ashes	5 casks	– – 5	Iron	3,187 plates; 12,027 bars; 11,011 bales; 340 pieces.	33 4 –
Alabaster	60 casks	– – 10			
Alum	4 tierces	– – 8	Linseed	421 sacks	– 10 6
Brandy	12 hogsheads; 12 casks; 139 cases.	1 7 8	Laths	100 bundles	– – 10
			Logwood	2,089 pieces	1 – 6
Bran	478 sacks	– 7 8	Leather	393 bales	4 18 6
Beans	211 bags	—	Linseed cake	25 bags	– 1 3
Beef	302 tierces	1 17 7	Lignum vitæ	64 pieces	– – 4
Bacon	3 hogsheads; 10 boxes	– 1 6	Lead and lead pipe	49 sheets; 203 bundles; 16 lengths; 24 casks.	– 12 9
Butter	169 firkins	– 2 3			
Biscuit bread	6,789 bags; 45 casks; 20 boxes.	7 1 6	Malt	74 sacks	– 1 10
			Mahogany	61 logs	– 4 6
Bottles	14 crates; 3 hogsheads; 10 casks.	– 4 6	Marble	5 blocks	– 2 6
Battens	1,057 bundles	– 2 7	Nails	1,220 bags	1 5 5
			Nuts	11 bags	– – 11
Copper	82 sheets; 9 plates; 10 rods; 145 ingots.	– 3 –	Oranges	91 boxes	– 3 9
			Onions	60 boxes	– 10 –
Cement	290 barrels.	1 4 2	Oil	374 casks	1 11 2
Candlewick	40 trusses; 7 bales; 9 casks.	– 2 4	Oakum	114 bundles	– 1 6
			Paper	37 trusses	– 3 1
Canvas	19 bales	– 3 2	Potatoes	64 bags	– 2 8
Chicory	148 barrels; 10 bags; 7 chests.	– 13 9	Provisions	41 barrels	– 3 5
			Pitch	255 barrels	1 1 3
Coffee	75 bags; 13 bales; 6 tierces; 6 boxes.	– 4 7	Plaster of Paris	351 barrels	1 9 3
			Pepper	16 bags	– 1 4
Corkwood	131 bundles	– 3 3	Pork	220 barrels	– 18 4
Cocoa	145 barrels	– 6 –	Pigs	26 head	– 1 1
Copperas	164 casks	1 7 4	Porter	36 casks	– 3 –
Codfish	4 tons	– 2 –	Paints	103 casks	– 8 7
Coals	30 tons; 309 sacks	– 10 1			
Coke	210 sacks	– 1 9	Rum	3 hogsheads; 19 puncheons; 46 casks.	– 13 10
Cattle	65 head	– 5 5			
Dyewoods	48 bags; 21 pieces	– 2 –	Rice	943 bags; 4 tierces	1 19 8
Bran	10 sacks	– – 2	Raisins	73 boxes	– 6 1
Dry goods	3,495 packages	14 11 2	Rosin	605 barrels	2 10 5
			Ropes	497 bales	3 1 6
Earthenware	195 crates	1 15 –	Rapeseed	365 bags	– 8 8
			Rags	2,424 bales	4 10 9
Felt	61 frames	– 5 1			
Flagstones	19	– – 3	Sugar	4,547 bags; 385 mats; 195 hogsheads; 87 tierces; 531 casks.	14 11 6
Fruit	250 boxes	1 – 10			
Feathers	5 bags	– 1 3			
Fish	14 barrels	– 1 2	Staves	154,868	1 18 9
Flour	5,661 sacks	3 9 2	Soap	12,582 boxes	26 4 –
			Salt	5,126 tons	42 14 5
Glass	443 crates; 57 sides; 12 cases; 24 casks.	4 – 1	Saltpetre	5,466 bags	11 7 9
			Shot	140 bags	—
Guano	19,919 bags	4 3 4	Sumac	676 bags	– 17 –
Gypsum	20 casks	– – 4	Steel	211 bundles	– 8 9
Gambier	110 bales	– 1 6	Seed	945 bags	1 4 6
Grease	166 kegs	– 2 2	Soda	138 hogsheads; 186 casks; 30 bags.	2 1 –
Glue	4 hogsheads	– – 8			
Gin	12 cases	– 2 –	Salts	7 casks	– – 7
			Sharps	540 sacks	2 5 –
Herrings	574 barrels	2 7 10	Sickles	193 packages	– 4 –
Hats	10 crates	– 1 8	Syrup	21 puncheons	– 3 6
Hardware	24 casks	– 2 –	Spades	47 bundles	– 2 –
Hoops	5,985 bundles	4 19 8	Scythe stones	1,700 dozen	– 2 2
Hops	19 bags	– 4 9			
Hemp	150 bales	– 11 –	Treacle	19 puncheons	– 3 2
Hides	5,472; 1,138 bales	11 8 –			

		DUES. £. s. d.			DUES. £. s. d.
Timber	113 logs	1 8 3	Wine	1 pipe; 3 hogsheads; 17 casks; 23 cases.	– 9 4
Tow	10 bundles	– – 10	Wheat	1,019 sacks; 1,567 quarters; 1,239 barrels.	7 15 4
Tin	210 boxes	– 4 4	Wool	17 bags	– 5 8
Tar	113 barrels	– 9 5			
Tobacco	251 hogsheads; 19 boxes	2 8 2			
Tea	2,887 chests	24 1 2			
Turpentine	2 puncheons; 64 barrels	– 5 6	White lead	2½ tons	– 1 3
Valonia	6 bags	– – 3	Yarn	28 skips	– 2 4
Varnish	35 barrels	– 2 11	Yeast	102 butts	– 15 6
Wire	84 bundles	– 2 –		TOTAL £.	349 9 2

AN ACCOUNT of the EXPORTS from *Cork* to *Liverpool* in 1855, with an Estimate of the *Liverpool* TOWN DUES levied on the same.

		DUES. £. s. d.			DUES. £. s. d.
Ale	5 hogsheads; 140 casks	– 12 6	Offal	194 casks	1 4 3
Butter	164, 560 firkins	197 11 –	Oats	17,072 sacks	28 8 8
Bacon	284 bales; 6 hogsheads	2 1 –	Oil	10 casks	– 1 8
Beef	75 casks	– 9 4	Oakum	53 bales	– 1 3
Bread	688 bags	2 6 –	Oranges	109 boxes	– 9 1
Brass	20 casks	– – 6	Paper	558 bales	2 6 6
Beans	50 tons; 53 sacks	—	Peas	241 sacks	—
Barley	450 sacks	1 13 6	Pelts	14 hogsheads; 30 bundles	– 10 6
			Pigs	55 head	– 2 4
Cattle	424 head	1 15 4	Porter	3,388 barrels	13 5 8
Cordage	62 bales	– 15 –	Provisions	1,846 barrels	15 8 3
Copper	27 casks	– 3 3	Pork	620 barrels	
Eggs	1,709 boxes	71 4 2	Rags	522 bales	– 13 –
			Rum	27 puncheons; 23 hogsheads	1 9 6
Fowls	198 boxes	—			
Feathers	1,262 bales	15 15 6	Sheep	7,005 head	5 17 –
Fish	977 boxes	6 2 1	Soap	14,140 boxes	117 16 8
Flaxseed	58 sacks	– – 3	Starch	1 cask	– – 4
Flax	256 bales	2 16 –	Soda-water	327 cases	—
Grease	263 barrels	– 2 2	Sugar	26 casks	– 4 2
Gunpowder	20,018 barrels	83 15 8			
Glue	10 hogsheads	– 3 4	Tallow	2 casks; 12 barrels	– 7 –
Glass	13 casks	– 2 2	Timber	160 tons	4 – –
			Tongues	19 kegs	– 2 4
Hams	68 hogsheads; 10 casks	– 9 7	Tow	176 bales	– 8 6
Hair	467 bags	3 17 10	Tobacco	7 hogsheads; 9 hampers	– 5 4
Hides	2,887 bundles; 537 single	—			
Honey	15 kegs	– 1 3	Whiskey	558 puncheons	18 12 4
			Wool	362 bales	6 – 8
Iron	110 tons	2 15 –	Wheat	9,209 sacks	31 10 8
			Wine	12 hogsheads	– 3 –
Linen	464 boxes	7 14 8			
Livers	180 barrels	1 2 6	Vinegar	33 casks	– 5 6
Lard	918 barrels	– 1 11			
Leather	76 bales	1 5 4	Zinc	11 casks	– – 6
Lead	4 barrels	– – 8			
Meal	1,559 sacks	3 17 6	Sundries	631 packages	5 5 2
Moss (seaweed)	949 bales	3 13 –			
Magnesia	346 boxes	2 17 8			
Metal	10 hogsheads; 124 cwts.	– 9 –		TOTAL Dues on Cork Exports to Liverpool £.	670 14 8

AN ACCOUNT of the Quantities of Goods Imported into *Dublin* from *Liverpool* in the year 1855; with an Estimate of the Amount of *Liverpool* Town Dues levied on the same.

		Dues. £.	s.	d.			Dues. £.	s.	d.
Ale	59 hogsheads; 320 barrels	1	16	6	Lemons	243 boxes	–	10	2
Ashes	1,885 barrels	7	17	1	Leather	2,181 packages	18	3	6
					Lard	647 barrels	–	8	–
Bacon	8,391 boxes; 451 barrels	22	1	–	Linseed cake	85 bags	–	2	1
Beef	432 barrels	1	16	–					
Bran	278 sacks	–	9	4	Matches	118 cases	–	19	8
Barley	1,664 sacks	2	1	6	Mahogany	542 logs	6	15	6
Blacking	71 hogsheads; 87 boxes	1	6	4	Molasses	121 puncheons	1	–	2
Brandy	50 hogsheads; 37 cases	–	18	8	Malt	3,685 sacks	2	7	2
Beans	957 sacks	1	4	–					
Bottles	471 crates; 5 casks	3	18	11	Nails	2,243 bags	2	6	9
Boxwood	117 pieces	–	1	6	Nuts	136 bags	–	11	4
Biscuits	423 boxes	–	5	6					
					Oranges	726 boxes	1	10	3
Candles	274 boxes	–	11	5	Oil	3,449 casks	43	2	3
Copperas	40 hogsheads	–	6	8					
Cotton	2,353 bales	9	16	1	Paper	1,808 packages	15	1	4
Coffee	587 bags; 28 tierces	1	7	11	Potatoes	257 sacks	–	10	8
Cocoa	1,806 barrels	3	15	3	Paints and colours	462 barrels	–	19	3
Chicory	58 barrels	–	2	5	Pepper	950 bags	3	19	2
Coals	67 tons	–	11	2	Pitch	649 barrels	2	14	1
Coke	45 tons	–	7	6	Pork	126 barrels	–	10	6
Corkwood	851 pieces	–	10	6	Rum	184 hogsheads	2	6	–
Copper	550 packages; 49 ingots	–	7	6	Raisins	2,003 boxes	1	–	–
Currants	626 barrels	3	18	3	Rice	1,195 bags	2	9	9
Candlewick	63 packages	–	2	2	Rosewood	255 pieces	–	6	3
Cordage	674 bales	1	13	6	Rags	518 bales	–	13	–
Crystals	449 tierces	2	16	1	Rosin	3,453 barrels	14	7	9
Cheese	114 boxes	–	3	–	Rapeseed	2,826 sacks	3	15	6
Cement	1,037 barrels	4	6	5					
					Salt	6,927 tons; 832 bags	87	12	9
Dry goods	3,670 packages	30	11	8	Shot	1,164 bags	–	14	6
Drugs and chemicals.	966 packages	8	1	–	Sago	206 bags	–	8	7
					Sugar	3,358 hogsheads; 3,824 tierces; 2,634 casks; 45,695 bags.	158	1	1
Dyewoods	1,887 bags	2	7	3					
Earthenware	1,641 crates	13	13	6	Syrup	16 hogsheads	–	2	8
					Staves	288,576	3	12	2
Flax	1,158 bales	2	18	–	Seeds	5,411 sacks	6	15	3
Flour	20,785 cwt.	26	–	–	Soap	14,977 boxes	31	4	–
Figs	1,821 boxes	–	18	3	Starch	58 boxes	–	9	8
Feathers	6 bags	–	1	6	Sumac	118 bags	–	14	9
Flagstones	790 tons	3	5	10	Scythes and sickles	155 bundles	–	3	3
					Scythe stones	1,195 dozen	–	1	6
Grease	325 barrels	–	8	3					
Glass	2,822 crates; 199 casks	24	6	11	Tar	123 barrels	–	10	3
Guano	51,112 bags; 543 tons	18	4	8	Turpentine	388 barrels	1	12	4
Gambier	239 bags	–	3	–	Timber	3,212 logs	40	3	–
Gin	96 cases	–	16	–	Tobacco	1,155 hogsheads	9	12	6
					Tin	2,180 bundles; 46 ingots	2	8	5
Hemp	1,406 bales	5	5	6	Tea	22,822 chests	190	5	4
Herrings	90 barrels	–	7	6					
Hides	11,346	47	5	6	Valonia	4,367 bags	9	2	–
Hoops	7,702 bundles	1	13	4	Vinegar	25 casks	–	4	2
Hops	10 pockets	–	1	8					
Horns	9,970	–	4	2	Wine	2,020 casks	2	10	6
					Wine	970 hogsheads; 331 cases	15	2	6
Iron	61,701 plates; 42,215 bars; 32,326 bundles.	170	18	6	Wool	250 bales	4	3	4
					Wheat	13,938 sacks	22	8	–
Jute	220 bales	–	8	3					
					Yarn	396 bales	3	6	–
Indian corn	75,668 sacks; 4,147 quarters; 588 tons.	108	15	6	Yeast	83 butts	1	–	9
					Zinc	32 cases	–	1	3
Lead	1,136 casks	4	5	6					
Linseed	3,544 sacks	4	8	6		Total £.	1,268	16	6

AN ACCOUNT of the Quantities of Goods Exported from *Dublin* to *Liverpool* in the Year 1855, with an Estimate of the *Liverpool* Town Dues levied on the same.

		Dues. £. s. d.			Dues. £. s. d.
Ale	2 hogsheads; 163 barrels	– 13 11	Leather	117 bales; 163 packages	2 12 7
Ammonia	179 hogsheads	2 19 8	Lead	15 rolls	– – 9
Butter	118,124 firkins	140 6 –	Meal	984 tons; 38,570 sacks	120 10 –
Bark	76 tons	1 18 –	Moss (seaweed)	631 bales	5 6 2
Bacon	280 bales; 107 casks	2 11 –	Metal	553 casks	2 14 6
Brandy	131 cases	2 3 8	Malt	3,627 sacks	9 1 –
Beef	105 hogsheads; 308 tierces; 269 casks.	3 14 –	Offal	—	—
Books	1,011 packages	8 8 6	Oats	16,294 sacks; 6,982 quarters.	50 2 –
Bones	132 tons; 251 bags	1 5 2	Oil	294 casks	2 9 1
Bottles	281 mats	2 6 10	Oakum	160 bales	– 4 –
Barley	109 quarters	– 9 –	Paper	200 bales; 558 packages	3 18 2
Brass	3 hogsheads; 262 casks	1 5 –	Porter	12,643 hogsheads; 25,665 barrels.	212 5 9
Cattle	66,746 head	278 2 2	Powder	560 casks	2 6 8
Candles	536 boxes; 8 cases	2 5 4	Pelts	281 casks	– 14 –
Cordage	328 bales	2 7 –	Pigs	30,275 head	63 1 5
Copper	20 hogsheads; 43 barrels	– 7 6	Potatoes	200 sacks	– 8 4
Castings	1,220 pieces	8 5 –	Provisions	11 hogsheads; 52 barrels	– 6 –
Cider	253 casks	1 1 1	Pork	64 barrels; 114 casks	– 14 8
Earthenware	200 crates	1 10 4	Rags	2,100 bales	3 2 1
Flour	91 tons; 9,117 sacks	21 4 10	Sheep	126,623 head	103 10 4
Feathers	206 bags	2 11 6	Soap	504 boxes	2 5 4
Farina	130 sacks	– 5 5	Starch	123 hogsheads	2 1 –
Furniture	49 packages	– 4 10	Tallow	58 casks	– 8 –
Glue	39 hogsheads	– 13 –	Tow	78 bales	– 6 6
Gluss	116 casks	– 19 4	Timber	97 pieces	– 3 1
Groceries	109 packages	– 18 2	Tongues	562 firkins	3 10 3
Hams	12 hogsheads; 38 casks	– 3 7	Whiskey	1,684 puncheons; 399 hogsheads; 114 butts; 274 casks.	85 5 2
Hats	36 cases	– 6 –			
Hair	40 bags	– 6 8	Wool	1,847 bales	30 15 8
Hay	90 bales	– 11 –	Wheat	2,616 sacks	6 11 –
Hides	8,433 bundles	17 11 4	Vinegar	36 barrels	– 6 –
Hardware	19 packages	– 3 2	Wine	141 pipes; 478 hogsheads; 683 casks; 1,914 cases.	59 8 9
Iron	307 tons; 2,837 pieces; 886 bundles.	12 6 9	Dry goods	4,632 packages	37 15 4
Linen and thread	126 packages	2 2 –		Total £.	1,335 14 5
Lard	253 hogsheads	1 1 1			

Appendix, No. 9.

PAPERS delivered in by *William Shuttleworth*, Esq., 9 June 1856. Appendix, No. 9.

(No. 1.)

Extract from Doomsday.

In Chester-shire the Bishop of the same city holds of the King that which appertains to his bishopric. All the rest of the land of the county the Earl Hugh holds of the King with his men. The land between the Ribble and the Mersey Roger of Poictou held. Now the King holds it.

(No. 1 A.)

Among the Records of the Court of Chancery, in the custody of the Master of the Rolls, &c., preserved in the Tower of London; to wit, Charter Roll, 9 John, Mem. 6.

Confirmation for Henry Fitz-Warine.

A. D. 1207.

John, by the grace of God, &c.: Know ye that we have granted, and by our present charter have confirmed, to Henry Fitz-Warine, of Lancaster, the lands which our father King Henry gave to Warine his father for his service; to wit, Ravenesmoles, Amnoluesdale, and the French Lea, and eight pence rent in the borough of Preston, and the English Lea, which we have given to him in exchange for Liverpool and Uplitherland, which the aforesaid Henry our father had given with the aforesaid lands to the aforesaid Warine his father, and which the aforesaid Henry hath remised to us and our heirs; To hold to him and his heirs of us and our heirs, by rendering for the same to us and our heirs 20*s.* yearly, at the Feast of Saint Michael, for all service and exaction; saving to us and our heirs the wardships and mariages of the heirs of the aforesaid Henry, in manner as our ancestors used to have the same when Warine the father of the said Henry did the service of falconer to our ancestors; wherefore, &c., that the aforesaid Henry, and his heirs after him, may have and hold the aforesaid lands, with all their appurtenances, of us and our heirs by the aforesaid service, in wood and plain, in ways and paths, in meadows and feedings, in moors and marshes, in fisheries, in waters and mills, and in pools, well and in peace, freely and quietly and peaceably and honourably, fully and entirely, in all places and things, with all liberties and free customs in the aforesaid lands appertaining as is aforesaid. Witness, William Earl Warren, William Earl of Derby, Sayer de Quenci Earl of Winchester, William Briewer, Gilbert Fitz Reinfrid, Thomas Basset, Alan Basset, Robert de Croft, William de Cantilupe. Given under the hand of H. de Welles, Archdeacon of Wells, at Worcester, on the 28th day of August, in the 9th year, &c.

(No. 2.)

Translated from the Original Charter.

A. D. 1207.

John, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Acquitain, Earl of Anjou, to all his faithful subjects who shall wish to have burgages at the town of Liverpool, greeting: Know ye that we have granted to all our faithful subjects who shall take burgages at Liverpool that they may have all the liberties and free customs in the town of Liverpool which any free borough upon the sea hath in our land. And, therefore, we command you that you do come thither securely, and in our peace, your burgages to receive and therein to dwell. And in testimony of this thing, we transmit to you these our letters patent. Witness, Simon de Pateshull, at Winchester, on the 28th day of August, in the 9th year of our reign.

(No. 3.)

Translated from the Original Charter.

A. D. 1229.

Henry, by the grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitain, Earl of Anjou, to his Archbishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Sheriffs, Reves, Ministers, and all his Bailiffs and faithful people, greeting: Know ye, that we have granted and by this our charter have confirmed that our town of Liverpool shall be a free borough for ever; and that the burgesses of the same borough may have a guild merchant, with an hanse and other liberties, and free customs to that guild appertaining; and that no one who shall not be of that guild shall traffic in any merchandize in the aforesaid borough unless by the consent of the same burgesses. We have granted also to the same burgesses and their heirs, that they shall have soc and sac, and tol and theam, and infang thief, and that they shall be quit thoughout all our land and throughout

Appendix, No. 9.

all ports of the sea, of toll, lastage, passage, pontage, and stallage, and that they shall do no suit of county courts or wapentake courts for their tenures which they hold within the borough aforesaid. We have granted also to the same burgesses and to their heirs, that whatsoever merchants shall come to the borough aforesaid with their merchandizes, of whatsoever place they may be, whether foreigners or others who shall be in our peace, or by our licence shall come into our land, may safely and securely come to the aforesaid borough with their merchandizes, and there safely dwell and thence safely depart, rendering therefore the right and due customs. Also, we forbid that any one shall do injury, damage, or grievance to the aforesaid burgesses upon forfeiture to us of Ten pounds. Wherefore we will and strictly command that the aforesaid town of Liverpool shall be a free borough, and that the aforesaid burgesses shall have the aforesaid guild merchant, with an hanse and other liberties, and free customs to that guild appertaining, and that they shall have all other liberties and free customs and acquittances as is aforesaid. These being witnesses: Hubert de Burgh, Earl of Kent and Justiciary of England; Philip de Aubeny, Ralph Fitz Nicholas, Nicholas de Molis; John, son of Philip; Geffrey le Dispenser, and others. Given under the hand of the Venerable Father R. Bishop of Chichester, our Chancellor, at Marlborough, on the 24th day of March, in the thirteenth year of our reign.

(No. 4.)

Among the Records in the custody of the Master of the Rolls, pursuant to stat. 1 & 2 Vict., c. 94, and preserved in the Tower of London; to wit, Patent Roll 13th, Henry 3d, Mem. 9, it is thus contained:

Of the town of Liverpool let to farm.

A. D. 1229.

HENRY, by the grace of God, King of England, &c., to the Sheriff and all his Bailiffs of the county of Lancaster, greeting: Know ye, that we have granted to our good men of Liverpool, our town of Liverpool, to hold at farm from the Feast of Saint Michael, in the 13th year of our reign, unto the end of four complete years; rendering therefore unto us in every of the aforesaid years, at our Exchequer, by the hand of the sheriff of Lancaster, at two terms, 10*l.*, namely, at Easter in the 13th year of our reign 5*l.*, and at the Feast of St. Michael, in the same year, 5*l.*; and so from year to year at the same terms 10*l.*, as is aforesaid. In witness whereof, we have caused these our letters to be made patent. Witness ourself, at Marlborough, on the 25th day of March in the same year of our reign.

(No. 5.)

Among the Records in the custody of the Master of the Rolls, pursuant to statute 1 & 2 Vict., c. 94, and preserved in the Tower of London; that is to say, the Close Roll of the 13th year of the Reign of King Henry the 3d, Membrane 2, is thus contained.:

For Ranulph, Earl of Chester and Lincoln.

A. D. 1229.

THE King hath granted, and by his charter confirmed to Ranulph, Earl of Chester and Lincoln, the whole land which he had between the Ribble and the Mersey; that is to say, the town of West Derby, with the wapentake, and all their appurtenances; the borough of Liverpool, with the appurtenances; the town of Salford, with the wapentake, and all their appurtenances, and the wapentake of Leiland, with all the appurtenances, in demesnes, forests, hays, homages, services, and all other their appurtenances, and with all liberties and free customs to the aforesaid lands, wapentakes, borough, hays, forests appertaining, as is more fully contained in the King's charter to him thereof made.

And the sheriff of Lancaster is commanded that he do cause the same Earl to have, without delay, full seisin of the aforesaid lands, wapentakes, borough, with all the appurtenances, in demesnes, forests, hays, homages, services, and all other appurtenances, with all liberties and free customs to the aforesaid lands, wapentakes, borough, hays, forests appertaining. Witness the King, at Portsmouth, on the 19th day of October.

(No. 6.)

Among the Records, &c. preserved in the Tower of London, that is to say, the Close Roll of the 17th year of the Reign of King Henry the 3d, Membrane 17, is thus contained:

For the heirs of Ranulph, Earl of Chester, concerning their parts.

A. D. 1233.

IT is provided that the manor of Barewe, with the appurtenances, shall remain to Hugh de Albigny, who is in the King's wardship, for his capital messuage of that his part which falls to him of the inheritance which was of Ranulph, sometime Earl of Chester and Lincoln, and that there shall remain to the same Hugh for the present the manors of Campeden, Coventry, and of Olney, in tenancy of that his part of the inheritance aforesaid, until a perfect and final partition be made of the inheritance which was of the aforesaid Earl, between the heirs of the same Earl, so however that if the same Earl be not fully satisfied by the aforesaid manors in respect of his part, he may recover against his co-parceners so much as shall be deficient, and likewise his co-parceners may recover against him if he shall have more than he ought to have. And P. de Rivall is commanded that he do retain the aforesaid manors in the King's hands for the part of the aforesaid Hugh, and safely keep the same as is aforesaid. Witness the King, at Northampton, on the 22d day of November.

In

In the like manner it is provided that the Castle of Cerdeley, with the manor and appurtenances, shall remain for the capital messuage to William de Ferrars, Earl of Derby, and Agnes his wife, for the part of the aforesaid Agnes which falls to her, &c., and that to the same Earl and his wife shall remain for the present the castle and town of West Derby, with the appurtenances, together with the lands which the aforesaid Earl had between the Ribble and Mersey, and the town of Buckbroc, with the appurtenances, in the county of Northampton, and the town of Naveneby, in the county of Lincoln, in tenancy, of the part of the aforesaid Agnes, of the inheritance aforesaid, until partition shall be made, &c. as above. Appendix, No. 9.

It is provided also, that there shall remain to Hawisia de Quency the castle of Bolingbroke, and the manor, with the appurtenances, for the capital messuage, and that she shall have in tenancy all the other lands which the aforesaid Earl had in Lindsey and Holland, until the aforesaid partition shall be made, so however, &c. as above in the next writ. And it is commanded to the same P. de Rivall that he do cause full seizin to be given to them of the lands aforesaid and castles assigned to the use of the same Earl Ferrars and his wife, and of the lands assigned to the use of the aforesaid Hawisia as is aforesaid.

(No. 7.)

Among the Records, &c. preserved in the Tower of London, to wit, the Fine Roll of the 26th Year of the Reign of King Henry the Third, Part 1, Mem. 10, it is thus contained:

For William de Ferrars.

A. D. 1242.

William de Ferrars, Earl of Derby, hath made fine with the Lord the King for 100 *l.*, to have seisin of the three wapentakes between the Ribble and Mersey (that is to say), the wapentakes of West Derby, and of Leyland and Salford, which were taken into the King's hands for the trespass of the said Earl and his bailiffs; and the Lord the King hath restored to the same Earl the aforesaid wapentakes, with their appurtenances, and all which to the wapentakes appertain; saving however to the Lord the King all pleas of the Crown, and goods detained against gages and pledges, and all attachments appertaining to pleas of the Crown, so that it shall be lawful to the sheriff and coroners to have ingress into the aforesaid wapentakes, to make inquisition concerning all pleas to the Crown and peace belonging. And the same Earl hath granted, for himself and his heirs, that they will treat the men between Ribble and Mersey, as well in respect of the pleas which appertain to the forest, as of others, in such wise as they were treated and used in the time of King John, and in the time of the Lord Henry the King who now is, until such time that King Henry gave the aforesaid lands between Ribble and Mersey to Ranulf, Earl of Chester; so that the same Earl of Ferrars, and his heirs, shall have no other liberties and free customs in those wapentakes for their men, than they had who held the aforesaid wapentakes before the aforesaid King conferred the same on the said Earl of Chester. And the sheriff of Lancashire is commanded that he cause the same Earl to have full seisin, without delay, of the aforesaid wapentakes and the other things. Witness the King, at Westminster, on the 4th day of February.

(No. 8.)

Among the Records, &c. preserved in the Tower of London, to wit, Close Roll, 38 Henry 3, Mem. 8, it is thus contained:

Of the wardship of the lands of the Earl of Derby committed.

A. D. 1254.

The King hath granted to Edward, his eldest son and heir, the wardship of all the lands which were of William de Ferrars, sometime Earl of Derby, on the day on which he died, to have until the lawful age of the heirs of the same Earl, to make up in part the deficiency of 15,000 marks of land in which we are held to provide him, together with the lands which by our charter we have given and granted to him in England, Ireland, and elsewhere; saving to the widow of the aforesaid Earl her reasonable dower out of the lands aforesaid, when the King shall assign the same to her. And William de Wilton is commanded that he do take the fealty of all the tenants of the lands aforesaid to the behoof of the aforesaid son of the King, and that of the issues of the same lands he do answer at the King's Exchequer to the behoof of the same son of the King as guardian of the same, during such time as he shall have that wardship; and that he cause also to be assessed and levied the reasonable talliage upon the tenants aforesaid. And know ye that the King hath sent James Fres, his escheator, to take the fealty to the behoof of the aforesaid son of the King of the tenants of the lands which were of the aforesaid Earl, in the counties of Northampton and Berks, and to assess the reasonable talliage upon the same. Witness Eleanor the Queen, and Richard Earl of Cornwall, at Windsor, on the 15th day of April.

By the Queen, and H. de Mara.

Appendix, No. 9.

Among the Records, &c. preserved in the Tower of London, to wit, on the Patent Roll of 38 Henry 3, Memb. 3, it is thus contained:

HENRY, by the grace of God, King of England, Lord of Ireland, Duke of Normandy, Aquitain, and Earl of Anjou, to his beloved consort Eleanor, by the same grace, Queen of England, Lady of Ireland, Duchess of Normandy, Aquitain, and Countess of Anjou, and to his dear brother and trusty Richard Earl of Cornwall, greeting: Know ye that we have given and granted by our letters patent to Edward, our eldest son and heir, the wardship of all the lands and tenements, with the appurtenances, which were of William de Ferrars, sometime Earl of Derby, now deceased, To have and to hold to the same Edward, and his heirs or assigns, until the full age of the heirs of the aforesaid Earl, to make up to the same Edward 15,000 marks of land, which we lately granted to him by our charter. And we therefore command you that you do cause full seizin of the aforesaid wardship to be given to the same Edward, or his certain attorney, as is aforesaid; saving, however, to us the debts which the aforesaid deceased owed to us at our Exchequer. Witness ourself, at Millan, on the 16th day of April in the 38th year of our reign.

And this we have also commanded to our escheators in England.

(No. 9.)

Among the Records preserved in the late Treasury in the Chapter-house, Westminster, and of the Exchequer, in the custody of the Master of the Rolls, &c.; to wit, in the Roll indorsed "Roll of Accounts of the Lands of Lord Edward, in the 41st year of the Reign of King Henry his Father," it is contained as follows:

Mem. 1.
A. D. 1257.

THE account of the bailiffs of Lord Edward, first-begotten son of the illustrious King of England, audited at the Exchequer at Bristol before the Lords Richard, Abbot of Kingswood, Geoffry de Cauz, and Elias de Cumber, treasurers, and Thomas de Boulton, clerk, of the issues of the lands of the said Lord Edward, in the 41st year of the reign of the king aforesaid.

West Derbyshire.

Liverpool with the Members.

HENRY de Lee, bailiff, renders account for the aforesaid time.

The same renders account for 10 *l.* for the town of Liverpool put at farm, with the toll, stallage, passage, and with two water-mills and one windmill; and for 3 *s.* 9 *d.* for the rent of two messuages for the term of the Annunciation; and for 66 *s.* 1½ *d.* for the rents of assize of Cnateby, Everton, and Waverton, for the term of the Nativity; and for 66 *s.* 1½ *d.* for the rents there for the term of the Annunciation. The sum 16 *l.* 16 *s.*

(Then follow several other accounts.)

(No. 10.)

Among the Records in the custody of the Master of the Rolls, &c., preserved in the Tower of London; to wit, Patent Roll, 50 Henry 3, Mem. 9, it is thus contained:

For Edmund, the King's son.
A. D. 1266.

THE King to all, &c., greeting: Know ye that we have granted to Edmund, our most dear son, the castles and all the lands and tenements of Robert de Ferrars, with all their appurtenances, to hold during our good pleasure. In witness whereof, &c. Witness the King, at Kenilworth, on the 5th day of August.

(No. 11.)

Among the Records, &c. preserved in the Tower of London; to wit, on the Patent Roll, 51 Henry 3:

For Edmund, the King's son, of the lands of the Earl of Ferrars.
A. D. 1267.

THE King to the abbots, priors, barons, knights, freemen, and all other the tenants of the lands and tenements which were of Robert de Ferrars, sometime Earl of Derby, greeting: Because we have given and granted to Edmund our most dear son the castles and all the lands and tenements, with wardships, reliefs, escheats, homages, services, knights fees, advowsons of churches, and all other their appurtenances, which were of the aforesaid Robert, we command you that henceforth ye be obedient and answerable to the same Edmund as to your lord in all things which appertain to the premises. Witness the King, at Windsor, on the third day of January.

(No. 12.)

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A. D. 1298.

Among the Records, in the custody of the Master of the Rolls, &c., preserved in the Tower of London; to wit, Inquisitions *post mortem* of the 26th year of the Reign of King Edward the First, No. 51 (A.), it is thus contained:

An inquisition taken at West Derby on Wednesday, in the week of Pentecost, in the 26th year of the reign of King Edward, of the extent of the lands and tenements, fees and rents, which were of Lord Edmund, brother of the Lord the now King, in the wapentake of West Derby, by Alan le Norreis, Thomas de Sefton, ... Thomas de Suthworth, Richard le Molyneus of Crosseby, Mathew de Haydok, Ralph de Bykerstath, . . . de Hutton, Robert de Bolde, Richard de Holand, William de Aynetre, and Robert de Thornton, who say, as to the first, second, and third articles, of capital messuages, &c.; how many acres of arable land, &c.; how many acres of meadow, &c. They say that in the manor of Derby is a certain plot of the old castle, where the capital messuage used to be, with the circuit of the ditches, whereof the herbage is worth by the year 4*s.* And there are there in demesne, in a field which is called de Harbrum, 65 acres of arable land, which are now at farm in the hands of the tenants of the town, and render by the year 21*s.* 8*d.* at the Feast of Saint Michael; to wit, for the acre 4*d.*; and in a certain other field 15 acres, likewise at farm, and they render therefore by the year 10*s.* at the same term, to wit, for the acre 8*d.*; and in another field, near the meadow, are 12 acres of demesne, which render by the year 12*s.* at the same term, to wit, 12*d.* for the acre. There are also there of demesne 20 acres of meadow, which are worth by the year 60*s.*, that is to say, 3*s.* for the acre, at the same term; and there are there, in the hands of the tenants, 30 burgages and an half, wherefore they render by the year, with the cottages, 31*s.* 6*d.* at the four stated terms. Those also of the town hold among themselves 20 oxgangs of land, for which they render by the year 40*s.*, at the same terms, to wit, for the oxgang 2*s.*, and for the same oxgangs 26*s.* 8*d.* at the Feast of Saint Michael, and for half an oxgang 12*d.*; and there are there eight cottages, which render by the year 4*s.* 4½*d.* at the same term. Also the tenants of the town render yearly to the lord for having a certain way through the middle of the meadow 12*d.* at the same term; and for having entry to the wormestal with their cattle within the forest, they render by the year 2*s.* at the same term. Also, they render by the year 2*s.* at the same term for having estover of . . . . to be cut in the winter in the common wood, for the sustenance of cattle. And there are two mills, one a wind-mill and the other a water-mill, and they are commonly worth by the year five marks. There are also there other persons who hold by charters, and render their farms at the Feast of Saint Michael; that is to say, Hugh, the Reeve, holds two oxgangs of land, two tofts and five selions, to do the office of Reeve, and renders by the year 2*s.* Henry del Ryding, for his land, 15*s.*; Richard de Suthwic and Gilbert de Kekwyk, for land which was of John Gernet, 14*s.* 10*d.*; Geoffry de Bruers, for his land, 5*s.*; Robert, the son of Adam de Holand, 12*d.*; Richard, the son of Richard de Blakemore, 2*s.*; the Prior of Birkenhead holds 15 acres of land by deed, and renders 5*s.* by the year, but they know not whether in fee or for a term; and the tenants of Derby hold of the waste lands improved 251 acres and an half, by the greater hundred, and half a perch of land, and render by the year 4*l.* 17*s.* 2½*d.* at the same term, to wit, the acre at 4*d.*; also, they hold 234 acres by the lesser hundred, and two parts of one rood of land, and they render by the year 117*s.* 1*d.*, that is to say, for the acre 6*d.*; also, they hold 200 acres, except half an acre, and render by the year at the same term 7*l.* 19*s.* 8*d.*, to wit, for the acre 8*d.*; and for one acre which Rose holds, 12*d*, and the perquisites of the courts of Derby are commonly worth by the year 10*s.* The sum, 35*l.* 12*s.* 8*d.*

Wavertree.—They say also that in Wavertree there are of demesne 15 oxgangs of land, which are let to farm by deed, and they render by the year 45*s.*, at the four terms. And the tenants of the town hold of improved lands 111 acres, and one rood and a half of land, and render by the year 43*s.* 9½*d.*, to wit, for the acre 4*d.* And one Roger de Thingwell, holds there one oxgang of land by charter, and renders by the year 4*d.* at the same terms. The sum, 4*l.* 9*s.* 1½*d.*

Thingwell.—In Thingwell there are eight oxgangs of land, which William, the son of Roger de Thingwell, holds of ancient acquest, and renders to the lord by the year one mark at the same terms. The sum 13*s.* 4*d.*

Everton.—And the men of Everton hold 24 oxgangs of land, and render by the year 4*l.* 16*s.* at the four terms; that is to say, for the oxgang 4*s.*; and they hold by improvement of the waste lands 34 acres and a half, a rood and a half of land, and render by the year 17*s.* 5¼*d.*, to wit, for the acre 6*d.* The sum, 5*l.* 13*s.* 5¼*d.*

Liverpool.—And they say that the rents of assize of Liverpool are worth, by the year, 8*l.* 7*s.* 6*d.*; also, the herbage of the garden, with the dovecotes, 10*s.*; and the passage over the Mersey 26*s.* 8*d.* And there are there two mills, one a water-mill and the other a wind-mill, and they are worth by the year five marks. The fair and the tolls of the market, with foreign tolls, are worth about 10*l.* The perquisites of court of the same town are worth about 40*s.* by the year. The sum, 25*l.* 10*s.* 10*d.*

Crosseby.—They also say, that Nicholas Blundell holds in Great Crosseby the eighth part of the town, of ancient acquest, and [it is worth] by the year 10*s.*, at the four terms. Simon de Wal . . . . of land which were of Simon de W . . . . by charter, &c.

Appendix, No. 9.

(No. 13.)

DUCHY OF LANCASTER.

Among the Ministers' Accounts for Lancashire, in the Reign of King Edward the Third.

A. D. 1348. The County of Lancaster.

The Charge of the Ministers upon the Lands of the Lord the Earl of Lancaster, upon their Accounts, in the 22d year of the Reign of King Edward the Third, after the Conquest.

Liverpool.

THE bailiffs there answer for one penny from the burgesses of the town of Liverpool for twelve acres of turbary in the Moss, in exchange for one plot inclosed within the park, by charter of Thomas the late Earl, at the term of St. Michael; and for 6 *s.* 8 *d.* of the rent of John de Wamberg, and the heirs of the body of the same John, by charter of Earl Henry the father of the now lord, for three parts of one burgage and five selions of land, which came into the lord's hands by the death of John Botiller, a bastard, at the terms of the Annunciation and St. Michael; and for 4 *s.* of the rent of the third part of half a burgage called Longestable before the Castle-gate, at the same terms, over and above one burgage, in the hands of Dyonisius Kelyng, by the service of finding stabling for 12 horses at every time of the lord's coming to the said borough; and for 8 *l.* 4 *s.* 10 ¾ *d.* of the rent of 164 burgesses, three parts and 48th part of a burgage in the town of Liverpool, at the same terms as in the rental; and for 14 ¼ *d.* charged upon the account for the rent of one burgage, the 8th part and the 16th part of one burgage, as in the rental of the number of burgages as above, at the term of St. Michael; and for 3 *d.* of increased rent of William de Liverpool, clerk, for half a burgage, sometime of Henry, son of John le Walker, at the same terms; and for 18 *d.* of the rent of John Bacon, for one cottage upon the Castle-ditch, at will, at the same terms, and the whole appears by the new rental; and for 67 *s.* 6 *d.* of the rent of 40 acres and a half of land in Saltenesmore, at the terms of the Annunciation and St. Michael, as in the said rental; and for 7 *s.* 3 ¾ *d.* of the rent of 14 acres and a half and half a rood of turbary in the Moss, at the same terms as in the rental. The sum, 12 *l.* 13 *s.* 4 ¾ *d.*

For the farm of the tolls, stallage of the market and fairs of the town of Liverpool, the passage boat, one horse mill, two windmills, let to John, son of William del More, at the terms of the Annunciation and St. Michael, 26 *l.*

For the farm of Richard de Walton, for the herbage and fruits of the garden, with the issues of the dovecote, for the term of eight years, this being the first year, 15 *s.*, at the terms of Easter and St. Michael. For the herbage of the Castle-ditch, which is valued at 16 *d.* For the ingress fines, perquisites of the courts, the perquisites of the Portmote courts. For the customs, anchorage, from wreck of the sea, waifs, estrays, escheats. For the fishery of the Mersey.

Whereof 4 *s.* allowed to Benedict le Stedman for the annual rent of a certain tenement, which the Lord Henry the Earl, father of the now lord, remitted to the same Benedict for his service, for the term of his life, which remittance the now lord the Earl hath confirmed and ratified for the whole of the life of the same Benedict.

(No. 14.)

DUCHY OF LANCASTER.

Chancery Roll of the County Palatine of *Lancaster*, in the time of Henry Duke of Lancaster, A, 3 *a*, No. 3, dors.

24 March 1354. For the men of the Town of Liverpool.

A. D. 1354.

THE Duke to all to whom, &c. greeting: Know ye that we have granted and to farm let to William Fitz Adam of Liverpool, John del More of Liverpool, William de Liverpool, clerk, Alexander Comyn, William de Grenoll, Richard de Aynesargh, Adam Fitz Richard of Lyverpool, and Robert Fitz Matthew of Liverpool, our town of Liverpool, with the appurtenances, together with all our mills of the same town, and together with all rents and farms whatsoever in the same town to us appertaining; and also the passage of the water of Mersey, taking for the same as of old time of right was wont to be taken; and the perquisites of our courts of the same town to be holden by the same William, John, William, Alexander, William, Richard, Adam, and Robert, together with the parcels of turbary beneath our park of Toxteth, which of right have come to the hands of us or our ancestors by the death of any of our tenants of the same town, so that they may dig in the same parcels turves for their own fuel, and dry and carry away the same at their will. We have also granted to the same William, John, William, Alexander, William, Richard, Adam and Robert amendment of the assize of bread and ale, fore occupiers, forestallers, butchers and tanners, and of breach of the peace, and the whole toll of the town aforesaid, the same to be taken as of old it was wont of right to be taken, together with all other profits to us appertaining in the same town; saving, however, to us the orchard beneath our castle of the said town, and the herbage of the ditch of the same castle, wreck of the sea, waifs and strays, and forfeitures of the lands and chattels of felons and fugitives, if any there be: To have and to hold of us and our heirs, from the Feast of St. Michael the Archangel last past, unto

unto the end of 10 years fully to be completed; rendering therefore to us and our heirs by the year 50 marks at the Feasts of Easter and St. Michael the Archangel, by equal portions, for all things which to us or our heirs appertain in the same town. We will also and grant, that no one of the aforesaid town shall be impleaded in the county or in the Wapentake for debt, trespass, covenant, or other personal matters whatsoever in the aforesaid town arising, during the term aforesaid. So always that the same William, John, William, Alexander, William, Richard, Adam and Robert, shall make and repair the mills aforesaid at their own costs, taking sufficient timber for making and repairing the mills aforesaid as often as need shall be in our parks of Toxteth and Croxteth, and in our wood of Simondewood, by the view and livery of our foresters there. In testimony whereof, &c. Appendix, No. 9.

Witness, Henry de Walton, Archdeacon of Richmond, and Lieutenant of the Duke in the Duchy aforesaid at Lancaster, the 24th day of March.

By the Duke himself on the report of J. Cockayn, the steward of the same Duke in the Duchy of Lancaster.

(No. 15.)

DUCHY OF LANCASTER.

From the Register of John Duke of *Lancaster* in the time of King Edward the Third.—fol. 213 (*b*).

JOHN, &c. To our well beloved William de Nesfeld, our steward in the county of Lancaster, greeting: Forasmuch as we have heard that you have let to farm to William Fitz Adam, of Liverpool; Richard de Aynsargh, John de Hull, and John de Wolveton [our town] of Liverpool with all the profits of the same for the term of ten years, by the same covenants and conditions by which it has been let to farm by us before this time, and that they will pay for the same town two marks by way of increase more than for what it was heretofore used to be let to farm, We command you, that you permit the aforenamed persons to have the said town at farm in and by the same manner as you have let it to them. And these, &c. Given at the Savoy on the 18th day of November in the 48th year of the reign, &c. A. D. 1374.

(No. 16.)

A LEASE made of the Lands and Profits of the Town of Liverpool by John of Gaunt, &c., confirmed at Lancaster by Henry the 4th, 16 March in the 1st year of his Reign.

HENRY, by the grace of God King of England and France and Lord of Ireland; To all to whom these presents shall come, greeting: We have inspected the Letters Patent of Our most dear Father, John late Duke of Aquitaine and Lancaster, Earl of Derby, Lincoln, and Leicester, Seneschal of England, made in these words: A. D. 1394.

"John, son of the King of the English, Duke Aquitaine and Lancaster, Earl of Derby, Lincoln, and Leicester, Seneschal of England, to all to whom these present letters shall come, greeting: Know ye, that we have granted and let to farm to Thomas de la More, of Liverpool, Robert de Derby, Richard de Hulme, and William de Raby, our town of Liverpool, with the common pasture lying between our said town and our park of Toxtath, together with all our mills to the said town belonging; together with the revenue and whatsoever farms in the said town thereto belonging; and also to receive the passage money of the water of Mercee, so anciently accustomed to be taken, and our particular courts of the said town, to be held by them Thomas, Robert, Richard and William, together with a parcel of turbary under our park of Toxteth which has come down to our hands or our ancestors by the death of some of our tenants of the said town of right; also that they may dig in the same lands and turbary, and dry and carry them at their will: We have also granted to the same Thomas, Robert, Richard and William, to correct the assize of bread, the fines or forfeitures of forstallers, butchers, tanners, and peace-breakers, and all other things which belong to view of frankpledge, although shedding of blood has been made, and also the goods and chattels of fugitives and felons arising within the said town; and also the punishment of all workmen dwelling within the said town, or hereafter coming there; and all toll of the said town to be taken as anciently accustomed to be taken, together with the herbage of the foss of our castle of the said town, with waifs and strays, wreck of the sea, and with all other profits to the said town belonging, as well by sea as by land; to have and to hold from us and our heirs from the Feast of Saint Michael the Archangel next coming after the date of these presents, unto the end of seventeen years next following to be fully complete, rendering herefore to us and our heirs annually at Liverpull fifty-seven marks of silver at the Feast of Easter and Saint Michael the Archangel, in two equal portions, for all things which belong to us or our heirs in the said town: We will also and grant, that no one of the said town shall be impleaded in the said county or wapentake for any debt or transgression, or agreement, or any other personal thing whatsoever arising within the said town; and we also will and grant, that no one of the said town shall be put as a juror in any jury, unless arising for lands and tenements in the said 17 Ric. 2, 1394. (No. 12.)

Appendix, No. 9.

town during the aforesaid term, and always, that the same Thomas, Robert, Richard, and William make and repair the aforesaid mills at their own proper costs, taking sufficient wood for making and repairing the said mills as there may be need in our parks of Toxtath and Croxtath, and our wood of Symondeswood, by view and permission of our foresters there. In testimony whereof we have caused these our letters to be made patent. Given under our seal at our Castle of Lancaster, the tenth day of August, in the seventeenth year of King Richard the Second since the Conquest."

1 Hen. 4, 1400.

But we holding the said letters confirmed and agreeable, accept, approve, and confirm them, for us and our heirs as much as in us lies, during the aforesaid term, as the said letters reasonably testify. In witness whereof we have caused these our letters to be made patent. Witness myself, at Lancaster, sixteenth day of March, in the first year of our reign. By the Council, and for half a mark paid in the hanaper.

(No. 17.)

DUCHY OF LANCASTER.

A. D. 1393.

ROLL indorsed "the Values of the Lands in the North Parts in the Audit of Richard de Monmouth, in the Seventeenth Year of King Richard the Second."

THE value of the lands of our most dread lord the Duke of Guienne and Lancaster, in the North Parts, under the audit of Richard de Monmouth, between the Feast of St. Michael, in the 16th year, and the same feast in the 17th year.

The county of Lancaster in the 17th year:

Liverpool—Is worth at farm, 38*l.*; whereof, in allowance of a rent given by Henry, the late duke, whom God assoil, to the chapel there, 12*s.* And it is worth in clear, 37*l.* 8*s.*

(No. 18.)

IN the Register of the Duchy of *Lancaster*, of the reign of King Henry the Fifth, Part 2, fol. 87.

For the King.

A. D. 1420.

HENRY, &c. To our steward of our wapentakes of Salford and Derby, or to his deputy there, greeting. We command and charge you that you cause to be distrained all those who have been mayors and bailiffs of Liverpool since the time of our coronation until now, that they be before the Barons of our Exchequer at Lancaster, at the next session there to be holden, to render us an account from the time that they have holden our courts at Liverpool, and to answer to us for the issues both of our said courts, and for the toll and other profits by them levied in the meantime, as reason demands. And this do you in no-wise omit, upon the peril which is depending.

Given, &c., on the 12th day of February, in the seventh year.

By the Council.

(No. 19.)

IN the Register of the Duchy of *Lancaster*, of the reign of King Henry the Fifth, Part 2, fol. 100.

For the people of our town of Liverpool.

A. D. 1421.

HENRY, &c. To our well-beloved William Garnett, our steward of our wapentake of West Derby, greeting. For as much as by the advice of our Council we have granted that the people of our town of Liverpool shall have the farm of our said town from the Feast of St. Michael last past unto the same Feast of St. Michael next coming, yielding to us for the same 23*l.*, We command you that you suffer the said people of the said town to have, occupy, and enjoy their said farm in the manner we have agreed with them until the Feast of St. Michael next coming, without any impediment, and that in the meantime you advise with the Barons of our Exchequer of Lancaster, and also with our Receiver there, and that you make search in the best way that you know or can, how and in what manner the said people have had the aforesaid farm in the time of our very honoured grandfather of Lancaster, or otherwise at any time before this, with all the circumstances and dependencies of the same, and thereof to certify to our said Council at Westminster so early as you well can. And in this fail not.

Given, &c., on the 15th day of July, in the ninth year.

(No. 20.)

Appendix, No. 9.

ROLL of INDENTURES of FARMS of the Duchy of *Lancaster*, in the Reign of King Henry the Sixth, Y. 3 (a), No. 18.

A. D. 1444. For Thomas de Lathome, farmer of the fee-farm of the town of Liverpool.

THE KING, &c., with the advice and assent of his Council of his Duchy of Lancaster, hath demised, and to farm let to Thomas de Lathome, esquire, the fee-farm of his town of Liverpool, in the county of Lancaster, with all manner of appurtenances, profits and commodities to the same town belonging, (save and except to the same king and his heirs his park at Toxteth, to the same town adjacent, and the profits of the turbary of the said King called the Oldmosse, and one messuage, with its appurtenances, which Henry Barker, deceased, lately held by the grant of Henry, late King of England, father of the aforesaid Lord the King, and except the prisage of wines within the port of the town aforesaid,) and to do and support all manner of charges to the same town belonging or incumbent which the predecessors of Richard Cross, Robert More, Robert Candray, Henry Mosock, and Hugh de Botehul, late farmers and burgesses of the town aforesaid, have been accustomed to do and support during the term aforesaid; to have and to hold to the same Thomas and his assigns the said fee-farm of the town aforesaid, with all manner of appurtenances, profits, and commodities aforesaid, except as before excepted, from the Feast of St. Michael the Archangel last past unto the end of the term of five years then next following, and fully to be completed, yielding therefore yearly to the same Lord the King, his heirs or assigns, 21 *l.* by the hands of his receiver of the county aforesaid for the time being, at the terms of Easter and Saint Michael, by equal portions during the term aforesaid. And if it shall happen that the aforesaid yearly rent be behind and unpaid, in part or in the whole, for one month after any term of the terms aforesaid, that then it shall be lawful for the before-named Lord the King, his heirs or assigns, by his ministers, to distrain the aforesaid Thomas by his goods and chattels wheresoever they shall be found within the county aforesaid, and the distress so taken to drive away and retain in their keeping until of the rent aforesaid, and the arrears of the same, the before-named Lord the King, his heirs or assigns, shall be fully satisfied. And if it shall happen that the same yearly rent be behind and unpaid, in part or in the whole, for a quarter of a year after any term of the terms aforesaid, that then it shall be lawful for the before-named Lord the King, his heirs or assigns, into the fee-farm of his town aforesaid, with all manner of appurtenances, profits and commodities to the same belonging, to re-enter, and take again and retain as in his former estate, the present demise in anywise notwithstanding. And for the fulfilment of all and singular these covenants aforesaid by the same Thomas, as before named, the same Thomas binds himself, his heirs and executors, to the before-named Lord the King in 40 *l.* sterling, to be paid to the same Lord the King, his heirs or executors, as often and whenever the same Thomas or his assigns shall make default in any of the covenants aforesaid. In witness whereof, &c. Dated, &c. at Westminster, on the 15th day of February, in the 22nd year, &c.

By the Council of the Duchy aforesaid.

(No. 21.)

DUCHY OF LANCASTER.

AMONG the Ministers' Accounts of *Lancashire*, in the reign of King Henry the Sixth.

Liverpool. A. D. 1454-5.

THE account of the mayor and burgesses of the town aforesaid, from the Feast of St. Michael in the 33d year of the reign of King Henry the Sixth unto the same feast then next ensuing, in the 34th year of the same King's reign; to wit, for one whole year, as below.

Arrears.—The same accountants render account of 5 *s.* from the arrears of the last account for the preceding year, as appears at the foot of the same account: The sum —5 *s.*

The Farm.—And for 17 *l.* 6 *s.* 8 *d.* for the whole rent there; the farm of the two windmills; the farm of the boat or passage over the water of the Mersey there; the farm of the butchers' shambles, and the toll of the market and fairs there, and with the perquisites of the courts so demised to the same mayor and burgesses of the town aforesaid by indenture for a term of years, this year being the first: The sum—17 *l.* 6 *s.* 8 *d.*

Sum total of the receipt, with the arrears, 17 *l.* 11 *s.* 8 *d.*; whereof there are allowed to them 17 *l.* 6 *s.* 8 *d.* paid over to Sir Thomas Stanley, Knight, Receiver of the Lord the King there, by the hands of the said accountants, in full payment of their farm of this year; and they owe 5 *s.*, which are charged in the account of the year ensuing, under the title of arrears.

Respites.—There are respited this year, as in former years, of the amercements of John Smyth (2 *s.*), John Moston (2 *s.*), and Ellen Petye (12 *d.*), wherewith the accountant is charged in the fourth year preceding, for affrays presented against them; for that they have nothing whereby they can be distrained by the accountant, neither at the time had they anything, as is testified as well upon this account as upon the accounts of former years; for the which cause this respite is here made until the Council can be spoken with as to what should be done. &c.

The sums respited appear, and there remains over, nothing.

Appendix, No. 9.

(No 22.)

DUCHY OF LANCASTER.

From the Roll of Indentures of Leases, &c., in the Reign of King Edward the Fourth, X. 1 (a), No. 109.

Lancashire. For Robert Orrell, the farm of the town or lordship of Liverpool, in the county of Lancaster. A. D. 1466.

THE King hath demised and to farm let to Robert Orrell the town or lordship of Liverpool, with all its apurtenances, in the county of Lancaster; To have and to hold the town or lordship aforesaid, with all its apurtenances abovesaid, to the aforesaid Robert and his assigns, from the Feast of St. Michael the Archangel next coming after the date of these presents, unto the end of the term of seven years thence next ensuing and fully to be completed; yielding therefore yearly to the aforesaid Lord the King, his heirs or assigns, during the term abovesaid, 14 *l.* of lawful money of England, at the Feasts of Easter and St. Michael the Archangel, by equal portions. And if it shall happen that the aforesaid farm shall be in arrear, in part or in the whole, for one quarter of a year after any one of the terms aforesaid, that then it shall be quite lawful for the aforesaid Lord the King to re-enter in and upon the aforesaid town or lordship, and to resume the same, and hold it again in his former state, this demise in anywise notwithstanding: Provided always, that if any other person be willing, without fraud or bad intent, to give by way of increase a higher yearly farm for the said town or lordship, with all its apurtenances aforesaid, that then the aforesaid Robert Orrell shall be bound to give as much for the said town or lordship if he shall wish to have the farm abovesaid. In witness whereof, &c. Given, &c., at Westminster, on the 20th day of September, in the sixth year, &c.

(No. 23.)

DUCHY OF LANCASTER.

On the Roll of Indentures of Farms, in the Reign of King Edward the Fourth, of his Duchy of Lancaster, X. 2 (a), No. 21.

Lancaster. A. D. 1472.

THE King, with the advice and assent of his Council of his Duchy of Lancaster, has granted, demised, and to farm let, to Edmund Crosse, a certain town called Liverpool, in the county of Lancaster, parcel of his Duchy of Lancaster, and also two windmills, with all franchises, customs, and liberties whatsoever, and with all other appurtenances to the same town anciently due or belonging, To have and to hold the said town, and also the two corn mills, with all franchises, customs, and liberties whatsoever, and with all other appurtenances to the same town anciently due or belonging; to the aforesaid Edmund and his assigns, from the Feast of St. Michael the Archangel last past before the date of these presents, to the end of the term of twelve years then next following and fully to be completed; yielding therefore annually during the aforesaid term to the aforesaid Lord the King, his heirs and assigns, 14 *l.* sterling, as it has been answered to the same Lord the King in divers former accounts, and 2 *s.* of increase, at the Feasts of Easter and St. Michael the Archangel, in equal portions; and if it happen that the said yearly rent of 14 *l.* and 2 *s.* be in arrear and unpaid, in part or in the whole for half a year after any term in which it ought to be paid, then it shall be lawful for the aforesaid Lord the King, his heirs and assigns, into the said farm to re-enter, and retake the same in his own hands, and to possess the same as in his former estate, any thing in the present demise notwithstanding: Provided always, that if any other, without fraud or bad intent, will give a greater increase for the aforesaid farm, then the said Edmund shall be bound to pay as much for the same if he wishes to have the aforesaid town. In witness whereof, &c. Given, &c., at Westminster, on the 24th day of February, in the eleventh year, &c.

By the Council of the aforesaid Duchy.

(No. 24.)

DUCHY OF LANCASTER.

On the Roll of Indentures of Farms, in the Reign of King Edward the Fourth, of his Duchy of Lancaster, X. 3 (a), No. 79.

Lancaster. A. D. 1475.

THE King, by the advice and assent of his Council of his Duchy of Lancaster, hath granted, demised, and to farm let, to Henry Cross, gentleman, the town and lordship of Liverpool, with the appurtenances, in the county of Lancaster, and also one windmill, called Akersmylne, and another windmill called Wartremylne, in the county aforesaid, parcel of the duchy aforesaid; To have and to hold the town and lordship aforesaid, and other the premises, with the appurtenances, to the aforesaid Henry and his assigns, from the Feast of Saint Michael the Archangel last past before the date of these presents, unto the end of the term of ten years thence next following and fully to be completed, rendering therefore yearly to the before-named Lord the King and his heirs 16 *l.* of lawful money; (that is to say) for the town and lordship aforesaid, with the appurtenances, 14 *l.*; and for the said mill called Ackresmylne, 20 *s.*; and for the other mill called Watremylne, 20 *s.*, at the Feasts of Easter and St. Michael the Archangel, by equal portions. And if it shall happen that the said annual farm be in arrear and unpaid in part, or in the whole, for two months next after any term on which it ought to be paid, then it shall be lawful to the aforesaid Lord the King and his heirs, into the town and lordship aforesaid, with appurtenances, and other the premises,

premises, with the appurtenances, wholly to re-enter, and the same to take again into his hands, and in its former state to possess, the present lease in anything notwithstanding: Provided always, that if the aforesaid Henry shall die within the term aforesaid, then the present lease, immediately after the death of the same Henry, shall be void and of no force, this indenture in anywise notwithstanding: Provided also, that if any other, without fraud, &c. Dated at Westminster, the 20th day of February, in the 14th year, &c.

By the Council of the Duchy aforesaid.

(No. 25.)

DUCHY OF LANCASTER.

From the Book of Patents, Presentations, and Leases of the Reign of King Henry the Seventh, fol. 55 (b).

A. D. 1488. The King, by the assent of his Council of his Duchy of Lancaster, hath to farm let to David ap Griffith, gentleman, the town and lordship of Liverpool, with the appurtenances, in the county of Lancaster; and also one windmill called Akersmylne, and another windmill called Watremylne, in the county aforesaid; To have, &c., from the Feast of Saint Michael last past before the date of these presents, unto the end of the term of seven years, &c.; rendering, &c.; (that is to say) for the town and lordship aforesaid, with the appurtenances, 14 *l.*; and for the said mill called Acresmylne, 20 *s.*; and for the other mill called Watremylne, 20 *s.*, at the Feasts of Easter and St. Michael the Archangel, by equal portions; and if it shall happen, &c., with the usual provisoes. Dated at London on the 14th day of May, in the 3d year.

By the Council of the Duchy aforesaid.

(No. 26.)

DUCHY OF LANCASTER.

From the Book of Patents, Presentations, and Leases, of the Reign of King Henry the Seventh, fol. 57 (b).

A. D. 1502. THE King, &c., by the assent of his Council of his Duchy of Lancaster, &c., hath granted, demised, and to farm let to David Griffith, gentleman, the town and lordship of Liverpool, with the appurtenances, in the county of Lancaster; and also one windmill, called Akersmyll, and another windmill called Wartremyll, in the county aforesaid; To have, &c. from the Feast of St. Michael the Archangel next coming after the date of these presents unto the end of the term of seven years thence, &c.; rendering therefore yearly (that is to say) for the town and lordship aforesaid, with the appurtenances, 14 *l.*; and for the said mill called Akersmylne, 20 *s.*, and for the said mill called Wartremyll, 20 *s.*, at the Feasts of Easter and Saint Michael the Archangel, in equal portions; and if it shall happen, &c. (with the usual provisoes). Dated at London on the 16th day of July in the 17th year.

By the Council of the Duchy aforesaid.

(No. 27.)

DUCHY OF LANCASTER.

From the Book of Patents, Presentations, and Leases of the Reign of King Henry the Seventh, fol. 59.

A. D. 1505. THE King, &c., by the advice of his Council of his Duchy of Lancaster, hath granted, demised, and to farm let to David Griffith and Alice his wife, and Robert Griffith his son, the town and lordship of Liverpool, with the appurtenances, in the county of Lancaster; and also one boat for the passage over the water of Mersey, and the butchers' shambles there, the tolls of the mart and fairs, with the perquisites of courts of the same lordship, and one windmill called Akersmyll, and another windmill called Wartremyll, parcel of the manor of West Derby, parcel of the Duchy aforesaid, in the county aforesaid; To have and to hold, &c. from the Feast of Saint Michael the Archangel next to come, &c. unto the end of the term of 21 years thence, &c.; rendering yearly (that is to say) for the said town and lordship of Liverpool, also for the boat aforesaid over the water of Mersey, and the butchers' shambles there, the toll of the mart and fairs, with the perquisites of courts of the same lordship, 14 *l.*, and for the mills aforesaid, 40 *s.*, at the Feasts of Easter and Saint Michael the Archangel, by equal portions. And the before-named farmers and their assigns shall repair, sustain, and maintain all the premises at their own costs in all repairs, which to the Lord the King and his heirs in the same pertain, during the term aforesaid, and shall leave all the said things at the end of the said term well and sufficiently repaired and sustained in all things. And if it should happen, &c. (without any proviso, &c.) Dated on the 4th day of March in the 20th year.

By the Council of the Duchy aforesaid.

Appendix, No. 9.

(No. 28.)

DUCHY OF LANCASTER.

From the Book of Leases, &c., in the Reign of King Henry the Eighth, fol. 43 (b).

Lancashire. Farm of the lordship of Liverpool, and of one boat there. A. D. 1524.

THE King hath to farm let to Alice Gruffith, widow, and Henry Akers, the farm of the town and lordship of Liverpool, with the appurtenances, in the county of Lancaster; also, the farm of one boat, and the passage over the water of Mersey, and the farm of the butchers' shambles there, and the farm of the tolls of the mart and fairs there, with the perquisites of the courts in Liverpool aforesaid, and also the farm of one windmill called Acresmylle, and of another windmill called Wavertremyll, within the lordship of West Derby, parcel of the Duchy of Lancaster, in the county of Lancaster; To have and to hold, &c., to the before-named Alice and Henry and their assigns, from the Feast of Saint Michael the Archangel, which will be in the year of our Lord 1526, unto the end of the term of 21 years thence, &c., yielding therefore yearly, &c. (that is to say), for the farm of the town and ordship aforesaid, also for the boat aforesaid, with the passage over the water of Mersey, with the butchers' shambles, and also for the farm of the tolls of the mart and fair, with the perquisites of the courts of Liverpool aforesaid, 14 *l.*; and also for the farm of the mill called Acresmyll, 20 *s.*, and for the farm of the mill called Wavertremyll aforesaid, 20 *s.*; as it hath been answered to the said Lord the King, at the Feasts of Easter and St. Michael, by equal portions. And the same farmers and their assigns shall repair, sustain, and maintain all the premises, at their own costs and expenses, in all repairs which to the Lord the King and his heirs in the same pertain, during the term aforesaid, and shall leave all the same at the end of the same term well and sufficiently repaired and sustained in all things. And if it shall happen, &c. for 40 days next &c. with a proviso if they should die. In witness whereof, &c. Dated at London on the 2d day of December, in the 16th year.

By the Council of the Duchy aforesaid.

(No. 29.)

DUCHY OF LANCASTER.

From the Book of Leases and Patents in the Reign of King Henry the Eighth, fol. 66 (b).

Farm of the town and lordship of Liverpool. A. D. 1528.

The King, &c. hath let to farm to Alice Gruffith, widow, and Henry Ackers, the farm of the town and lordship of Liverpool, with the appurtenances, in the county of Lancaster; and the farm of one boat, and the passage over the water of Mersey, and also the farm of the butchers' shambles there, and the farm of the stallage, and tolls of the market and fairs, with the perquisites of the courts there, and also the farm of the customs and anchorage, or keyltoll of the water of Mersey, within the lordship of Liverpool aforesaid; and the farm of one [windmill called Acresmyll and another] windmill called Wavertremyll, within the Lordship of West Derby, parcel of the Duchy of Lancaster, in the county of Lancaster; To have, &c. to the aforesaid Alice and Henry, and their assigns, from the Feast of St. Michael the Archangel next to come after the date of these presents, to the end of the term of 20 years thence, &c; yielding therefore annually to the aforesaid Lord the King and his heirs, that is to say, for the farm of the town and lordship aforesaid, and also for the boat aforesaid, with the passage over the water of Mersey, with the butchers' shambles, and for the farm of the stallage and toll of market and fairs, with the perquisites of the courts, and also for the farm of the customs and anchorage, or keyltoll of the water Mersey, within the lordship of Liverpool aforesaid, 14 *l.* of ancient farm, and 6 *s.* 8 *d.* over and above of increase, by the year; and for the farm of the mill called Acresmyll, 20 *s.*; and for the farm of the mill called Wavertremyll aforesaid, 20 *s.*, as it hath been answered to the said Lord the King, at the Feasts of Easter and Saint Michael the Archangel, in equal portions. And the same farmers and their assigns shall repair, sustain, and maintain all the premises at their own costs and expenses in all repairs which belong to the Lord the King and his heirs touching the same during the aforesaid term, and shall leave all the said things at the end of the same term well and sufficiently repaired and sustained in all things. And if it shall happen that for 40 days, &c., with a proviso that if they shall die. In witness whereof, &c. Given on the last day of April, in the 20th year.

By the Council of the Duchy aforesaid.

(No. 30.)

DUCHY OF LANCASTER.

From the Book of Commissions and Orders, temp. Hen. 8. p. 37. No. 205.

A. D. 1514.

HENRY, &c., To our trusty and well beloved Sir William Molyneux, Knight, steward of our town of Liverpool, Richard Hesketh, our attorney of Lancaster, John Burgoyn, our auditor of our Duchy in the north parts, Lawrence Starky, Esquire, our receiver of our said Duchy, in our counties of Lancaster and Chester, and to every of them, greeting: Where information is made unto us on the behalf of our farmer of our toll, within our said town of Liverpool, that whereas we and our progenitors, time out of mind, have had, and used to have the tolls and customs of all merchandizes there bought or sold, or thither brought to

be

be uttered and sold, except only of the Mayor and Burgesses abiding and dwelling in the said town; so it is now that the said Mayor and Burgesses of our said town, contrary to their ancient liberties there, for their own singular lucre and advantage, now of late have made divers and many foreign men, not resident nor abiding in the said town, to be Burgesses of the same town, to the intent to defraud us and our right of our toll there, as in the said information thereof made, herein enclosed, appeareth more at large, whereby the farm of our said toll there is greatly decayed and diminished, we not willing in no wise to be thus prejudiced and hurted of our said toll, trusting in your wisdoms and indifferences, will and desire you, and nevertheless charge you, that ye four, three, or two of you at least, at time convenient, by you to be limited, you do prepare* yourself to our said town, and that ye then and there do enquire of the demeanour of the said Mayor and Burgesses concerning our said toll and other the premises by all ways convenient, as well by the examination as otherwise, so that we may come to the true truth therein; and thereupon by your discretion to set such order therein, so that our said farm and duty be not diminished by their means in time to come; and what ye shall do, perceive and understand, we will that ye, by your writings under your seals, with these our letters, do certify us, our Chancellor and Council of our said Duchy, at our Palace of Westminster thereof, in the xv.d of Saint Michael the Archangel next coming, to the intent that we may further proceed therein as thereunto shall appertain. Given at our said Palace the 28th day of June, the 6th year of our reign.

* So orig. ? repair.

By the King.

By the Council of the Duchy aforesaid.

(No. 31.)

AUTHENTICATED COPY.

PROCEEDINGS in the CHANCERY of the DUCHY of LANCASTER. Phil. & Mary, Vol. XI., M. 1.

Sir RICHARD MOLYNEUX, Knight, *v.* The MAYOR, &c. of LIVERPOOL.

1 & 2 Philip & Mary, A.D. 1554.

DUCHY OF LANCASTER.

E Libro Depc̃ons & Exac̃ons, Phil. & Mary, Vol. XI. M. 1.

To the Right Honorable Syr Robert Rochester, Knyght, Comptroller of the Kynges and Quenes Majestyes Howseholde and Chauncelor of the Duchye of Lanc̃.

IN most humble wyse compleynynge, sheweth unto your Right Honorable Mastershyppe your supplyaunte and daily Orator, Rycharde Mullyneux, of Cefton, in the county of Lanc̃, Knyght, that where the late Kynge of famous memorye, Kynge Henry theight, w^th^ thadvyse and assent of his Counsell of his Duchye of Lanc̃, by his Lr̃es Patent̃, under the seale of his Duchye of Lanc̃ afforesayd, bearying date the iiij^th^ day of November in the xxxvij^th^ yere of his reigne, dyd demyse, graunte, betake and to ferme lette to one Wyll̃m Mullyneux, Knyght, and your seyd Orator, by the names of Will̃m Mullyneux, Knyght, and Rycharde Molynexe Esquyer, sone of the seyd Wyll̃m, amongest other thynges, the Towne and Lordeshippe of Lytherpole, w^th^ thappurten^a^nc̃, in the county of Lanc̃ afforesayd, and also one boote and passage over the water of Mercye, and the Flesshambles there, and also the stallage and tolle of the markette and fayres, wyth the pqysyttes of the Courte in Lytherpole aforesayd, and also the custome and ancharage of Keytolle of the seyd water of Mercy within the Lordeshyppe of Lytherpole afforesayd; to have and to holde the p̃mysses, emongest other thinges, to the seyd Will̃m Mullyneux, Knyght, and your seyd Orator, and theyr assignes, for terme of diverse yeres yet endurynge and not expyred, yeldynge and payeng therefore to the sayd late Kynge of famous memorye, his heyres and successors xiiij^li^ vj^s^ viij^d^, as more playnly by the same Lr̃es Patent̃ redy to be shewed doth and may appere: by virtue whereof the seyd Wyll̃m Mullyneux Knyght, and your seyd Orator, and theyr assignes, were of the p̃myssys w^th^ thappurten̄nc̃ possessed, and thissues pffetts and revenues thereof have peacebly pceyved and taken; and aftur the seyd Wyll̃m Molyneux, at Cefton afforesayd, dyed, and your seyd Orator hym survyved and over lyved. So it is, Right Honorable Syr, that nowe of late one Roger Walker, late Mayre of the Towne of Lytherpole afforesaid, Thomas Ceycome and John Wynstanley, late Baylyfes there, and one Wyll̃m Norres Knyght, nowe Mayre of the seyd Towne of

Appendix, No. 9.

Lytherpole, and Martyn Cūberbeooche and Robert Corbette, now Baylyfes there wythout tytle or ryght have taken thissues, ꝑffettꝯ and revenues of the ꝑmyssys, in maner and forme folowyng, that is to sey, the seyd Roger Walker, late Mayre, Thomas Ceycome & John Wynstanley late Baylyfes have taken and ꝓceyven thissues and ꝑffettꝯ of the moytye of the ꝑmyssys whyche have arysen and accrued syns the xiiijth day of July last past, untyll the xviijth day of October last past; and lykewyse syns the thyrde daye of September last past, the seyd Roger Walker, and the seyd Thomas Ceycome and John Wynstanley Baylyfes, have taken thissues and ꝑffettꝯ of the other moytye of the ꝑmyssys, untyll the 18th daye of October last past; and syns the seyd 18th daye of October last past, the seyd Wyll̃m Norres, Knyght, Martyn Cūberbeache and Robert Corbette have ꝓceyved and taken thissues and ꝑffettꝯ of the entyer ꝑmyssys, without tytle or right, and the same converted to theyr owne use; and also one usuall seale for the Kynges and Quenes Majestye custome, belongyng to your seyd Orator, comonly called the Cockette Seale, is casually comen to thandes custodye and possessyon of the ꝑsons aforemenc̃oned, by virtue whereof your seyd Orator is dysturbed and defrauded of the ꝑffettꝯ of the seyd custome wythin the seyd Lordeshyppe of Lytherpole afforesayd, and the seyd ꝑsons have taken the seyd ꝑffettꝯ of the ꝑmyssys, claymynge inherytaunce in the same, and the same converted to theyr owne use, contrary to right, equytye and conscyens. In consyderc̃on whereof, and also for as moche as your seyd Orator is chargeable to paye yerely the seyd rent to the Kynge and Quenes Majestye; it may therfore please your Right Honorable Mastershyppe to grānte the Kynge and Quenes Ma^{tie} most gracous Wrytte of injunc̃ion to be dyrected to the seyd Roger Walker, Thomas Ceycome, John Wynstanley, W^{m} Norres, Martyn Cūberbeoche and Robert Corbette, and to every of them, coīnaundyng and injoynyng theym and every of theym, by vertue thereof, not onelye to ꝑmytte and suffer your seyd Orator peaceably and quyetly to have, holde, occupye and injoye the ꝑmyssys, wyth theyr appurten^{a}ncꝯ, and to delyver the said Cockett Seale unto yo^{r} said Orator, but also to be and ꝑsonally appere before your gud Mastershyppe in the Duchye Chamber at Westm̄, at a certen daye and under a certen payne, by your gud Mastershyppe to be lymytted and appoynted, then and there to aunswer to the ꝑmysses, and further therein to abyde your honorable Order in the ꝑmysses, as to your gud Mastershyppe shalbe thought most consonante to stande wth right, equytye and conscyens; and your seyd Orator shall dayly pray to God to ꝑserve your gud Mastershyppe in helth and honor longe to contynue.

fiat ꝓcessus ꝑ bꝝ de injūcc̃oe ꝑut petit.

Caryll.

The foregoing is a true copy of the original, preserved in the office of the Duchy of Lancaster, having been examined therewith.

(signed) *F^{k} Dawes Danvers*, C. C.

Duchy of Lancaster.

E Libro Depc̃ons & Exac̃ons, Phil: & Mary, Vol. XI. M. 1 (a) to M. 1 (g) (included).

The Answer of Syr William Norres, Knyght, Mayre of Liverpole, to the Byll of Complaynt exhibityd agaynst hym & ooder the Defendents, by S^{r} Rychard Molyneux, Knyght.

The same Sir William Norres, Knyght Def, sayeth, that the said Byll of Complaynt, in the effectuall matꝛs thearof, is untrew & insufficient in the lawe to be answered unto, & contryved & sett furthe by the said Complaynant upon onelye purpos & meanyng injustlie to vex and trowble the same Syr Wyll̃m Nores, Knyght, & ooder they Def, & in the same Byll of Complaynte named to put thayme to gret expencꝯ and chargꝯ wythowt juste cause or matter soe to doe, & matter, iff it were trewe, as it is not, merelye and directlie determinabull and to be dꝛmined at & by the comyn lawe, in the countie of Lancastr, & not els wheare, whereunto the same Def prayeth to be remittyd; and yff neꝛthelesse he shalbe dryvyn & compelled further to answeare the said fayned Byll in this honourabull Courte, thadvauntage of all the ꝑmiss^{s} to hym saved, for declarac̃on of the truethe toochyng suche thyngꝯ as in the same insufficient Byll are objectyd and layd to the charge of this Def, and answeare thereunto, the same Def sayeth, that in the monethe of November last past the Kyng & Quyne, theyr Majesties, Lr̃es of Privie Seale, directyd owt of this Honourable Courte were delyꝛed to this and the ooder Defend in the said Byll of Complaynt mentioned coīnaundyng & injoynyng them furthewythe upon the recepte thereof, to leave and forbeyare to receyve, perceyve or take any the issues, tolles, customs in the sayd Byll of Complaynt mentioned, or than after not to intermedle or have to doe wythe any ooder thyng or thyngs in the same Byll of Complaynt reherssed, synce whiche tyme as well this said Defend, as alsoe all ooder to whome the same Lr̃es weere soe addressyed, have most humblie and thorouglie obeyed the same, and by reason thearof have hyderto forborne to have or receyve ꝑfittꝯ customes & emolymentꝯ happyñg, rysyng and growyng, and wc̄h synce the recepte of the sayd Lr̃es of Injunction, have hap̄ped, rysyn and groyne wythin the said Towne of Liverpole in the said Byll of Complaynt mentioned, wc̄h els of ryght they owght & are intitled to have and receyve; and the same S^{r} William Norres, Knyght,

furthemore

furthemore sayeth, that as well Kyng John of most worthie memorie, as also Kyng Henrye the Thyrde of that name, Edwarde the Furste, and Rycharde the Second, and divers ooder ꝑgenitors of our Soveraigne Ladie the Quyne her Majestie, Kyngꝯ of England, by theyre severall Lrẽs Patentꝯ under the gret Seale of England, ready to be shewed, have & dyd graunte to the Burgeses of Liverpole aforesaid, and theyr successors for evermoore the said Towne of Liverpool, and that the same Towne shulde be a fre Boorughe for ever, & that they Burgeses theareof shuld have & enjoy all & eᵛy the same & like liberties and fre customes that any fre Boorughe standyng by the sea in England or Waales then had, and alsoe shuld have & enjoye wythin their seid Towne a Gylde Marchant, wᵗʰ the hanse & all liberties and fre customes to the same gylde apertaignyng, and that noñ ooder then suche as weere of that gylde shuld occupie marchundise wythin the said Boorughe but by the consent of they Burgeses of the said Boorughe for the tyme beyng; but alsoe and furthemoore the same Burgeses & theyr successors shuld have & enjoye for ever wythin the said Boorughe, soc & sac, & tholl & theam & infangtheff, and that thoorughowt all England & Waales, and the portes of the sea wythin the same, and that the said Burgeses and theyr successors shuld be quiete of & frome paiyng of tolle, lastage, passage, pontage, and stallage, & that thay shuld make noe suete neyther to the Countie Courte, neyther els to the Wapentake, for eny thyng holden wythin the said Boorughe, and that all and eᵛy merchants frome what place soever coñyng beyng in amitie wythe the Kynge, ayther els havyng his save coundyth shuld or myght savelye come unto & aryve at the said Boorughe wythe theyre marchandise & shuld & myght tarie theare savelye, and savelie from thense passe doying & paiyng theare theyre customes & ooder dueties, as moore at large in & by the said Lrẽs Patentꝯ readye to be shewed, maye & shall apeare, and the same Kynge Rychard the Seconde by his Lrẽs Patentꝯ, redye to be shewed under the Grette Seale of England, datyd at Westmynster the xj. daye of June, in the fyfte yere of his raigne, dyd furthermoore graunte & by his said Charter confirme for hym his heyrs & successors to the same Burgeses & theyr successors that the same Burgeses & theyr successors for ever moore shuld & myght fullie enjoye & use for evermoore wythowt lett or impediment of hym his heyrs or successors, Justiᶜ, Excheytõs, Shiryffꝯ Baylyffꝯ, or any ooder theyr ministers, all and eᵛy the said liberties, privileges, fredoms, and customs aforesaid, notwythstandying nonuser, misuser, or abuser of the same, as in & by the same last remẽbrd Lrẽs Patentꝯ, readye alsoe to be shewed, shall & maye moore at large & moore manifestlie apeare, synce wyche tyme by force of ooder they graunteꝯ bye lyke Lrẽs had & made synce by ooder they ꝑgenitors of our said Soveraigne Ladie the Quyne, theare have byne & nowe be electyd and choosyn eᵛy yeere oone Mayre and too Baylyffs, to be and remayne as supreme & hed officers oone holle yere, for the good governance of the same Towne or Borough, & they inhabitauntꝯ theareof And the same Sir William Norres, Knyght, this Def further sayeth that by the tyme whereof the memorie of man is not to the contrarie, they Baylyffꝯ of the Towne of Liverpole, at the coñaundemẽt of the Mayre for the tyme beyng, have had, and used to have, perceyve, receyve & take to theyre awne uses, towards the yerelie charge & gret expensys by the said officers for the tyme beyng, yerelie leyd owt & bestowed and to be bestowyd in and abowte the walles of the said Towne toward the sea, & ooder they necessary defencꝯ of the said Boorughe from the sea, the tolle & stalage of fayrꝯ and markets, wyth they ꝓquisitꝯ of the Courte of the said Boorughe & all & eᵛy ooder customes theare due & payabull for marchandise shypped or dischargyd, and by the same tyme have had & used to have one clercke that hath taken the entrie of all such goods & merchandise as have byn shypped or dischargyd theare, and by all that tyme have had, used and kept a seale, comenlie called the Towne Seale, whearewythall they have & alwayes dyd seale they instrumentꝯ & wrytyngꝯ tochyng and concernyng the comyn and publicke affayrs & doyngꝯ of the said Boorughe, and all suche contractꝯ and bargaynes as have or dyd concerne the holle bodye theareof, and recognizauncꝯ had & knowledgyd before the Mayre & Baylyffꝯ of the same Towne for the tyme beyng, And the same Syr Willm Norres, Knyght, furthermore sayeth, that neyther the sayd Complaynant nor eny ooder having the ferme or lees of suche the rentꝯ and ꝑfittꝯ as the same Complaynant claymth to have and enjoye by force of his sayd lees in the said Byll of Complaynt mentioned at enye tyme or tymes afore the sayd Lrẽs of Injunction had & obtained, have had, enjoyed, perceyved, or taken, or of ryght owght to have, enjoye, perceyve, or take in the said Towne or Boorughe of Liᵛpole, or wythin they liberties thearof by vertue or force of the said Lees, but onelye the rentꝯ of the said Towne usuallie called they fee fermes, that is to saye, of eᵛy burgage theare xijᵈ the ferrie boote theare on the water of Marsie & ꝑfittꝯ theareof, they mylnes thear & they ꝑfettꝯ theareof, the custome of ancorage or keyltolle of all straungerꝯ thider coñyng wythe the flesshamelꝯ thear, & non ooder customes ryghtꝯ or duetꝯ cuñyng, happẽyng or rysyng in the said towne of Liverpole, or wythin the liberties of the same, all whyche & eᵛy of thayme soe of ryght due & to be perceyved, had, used or enjoyed by the same Complaynante by virtue of his said lees, the same Complaynant ever and from tyme to tyme hiderto hath had, perceyved and taken wythout interrupcon or oder lett by this Def, or by any ooder ꝑsone or ꝑsons by his consent or ꝓcurement, and suche of the rest and residue of the said customes, ryghtꝯ & ꝑfittꝯ due to the said Burgeses, and payabuł to the said Mayre and Baylyffꝯ, as hed officerꝯ of the said Towne of Liverpole for the tyme being; the same said nowe Defendant in the said Byll of Complaynt named and mentioned, the said ixᵗʰ daye of October than beyng noñ officer, did not leyvie, ꝑceive, take or anye thing at all had thearewyth to doe, but frome and after the xviijᵗᵉⁿᵉ day of the same said October, on which said xviijᵗᵉ day of October this Defendant was electyd and choosyn Mayre, and from thense by Robert Corbet and Martyn Comberbache, then Baylyffꝯ, dyd

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leyvye, pceyve, receeyve & take the same, as lawfull was for hym to doe untyll they Lres of Injunction weere to hym & the ooder Defend delyvd; And this sayd Def furthermoore sayeth, that divers and sondrie Lres Patentes of the said pgenitors of our sayd Soveraigne Ladye Quyne, Kynges of England, by force wheareof & by wch the said Mayre Baylyffes & Burgeses have & owt to have, enjoye & use the foresaid liberties, and divers ooder liberties, privileges, preheminences & pfettes not afore herein expressyd, and remayne as now owte of theyr handes whiche hiderto they cannot atteyne or cume bye, withoute that the laate Kynge Henrie the viijth, by his Lres Patentes under the seale of his Duchie, datyd the xxxvijth yere of his reigne dyd dimise, grant or betake to the said Complaynant and Syr Wiltm Molyneux, Knight, the Complaynantes said Father the Towne and Lordshyppe of Liverpole, wyth the appurtenances, and alsoe the stallage & tolle of the marketts & fayres, with the pquisites of the Courte in Liverpole aforesaid; and thoe he soe dyd, his Highnes was utterlie dyseivid in his grant & therefore the same graunt thereof was utterlie voyde, and theareby nothyng thereof passed to the said nowe Complaynant or to his said Fader by the same Lres Patentes, nor yet the same Defendantes, or eny of thayme, or els they Burgeses of the sayd Towne of Livpole, are at al or eny thyng theareby hyndred in lawe or equitie, or by reason thereof theareunto compellabull or of ryght compellyd to answeare in this honourabull Court And wythowt that that eny ooder thyng or thynges, matter or matters effectuall in the same fayned Byll of Complaynt mentioned worthie to be answered unto, & herein not well and sufficientlie answered, confessyd & avoydyt, levied or traversyd, is or are true; wherfor the same nowe Defend prayeth, for as muche as by reason of the said Lres of Injuction to hym & thooder Def delvd, he would not in eny wyse disobaye the same, heath not onelye seene the said Towne seal to the said Complaynant delyvd, wch he most unjustlie nameth the Cockett Seale, but that alsoe this same Def, syns the recepte of the said Lres of Injuction, heath and doyth forbeyare to have to doe or eny further to intermedle in the premisses, wheareof and of whiche sayd premisses of ryght and verrie duetie he and thooder Defendantes owght to have, pceyve, receyve take and enjoye; and therfore he prayeth that the same Injuccon mey be dissolved, & that the said Seale may be redeliveryd, and also that he & thooder Defend, with thay sayd Burgeses, may be restooryd to thayre auncient rightes customes and dueties, and alsoe that he & thooder sayd Def may be dismissed with thayr reasonable costes in this trowbull and unlawfull suete by hym & thayme borne and sustayned.

John Ogle. Robt Shawe.

The foregoing is a true copy of the original, preserved in the office of the Duchy of Lancaster, having been examined therewith.

(signed) *Fk. Dawes Danvers*, C. C.

Duchy of Lancaster.

E Libro Depcons & Exacons, Phil. & Mary, Vol. XI. M. 1. h. to M. 1. m. (included.)

The Answeare of Roger Walker late Mayre of Liverpole, to the Byll of Complaynte exhibityd agaynst hym & ooders by Sr Richard Molineux, Knight.

The same Roger Walker, Defend, sayeth, that the sayd Byll of Complaynte, in theffectuall matters theareof, is untrewe & insufficient in lawe to be answeryd unto, & contryvyd & sett furthe by the sayd Compleynant upon onelye purpos & meanyng injustlie to vexe & trowbull the same Roger & ooder they Defend in the same Byll of Complaynte named, and to putt thayme to gret expences & charges, wythowt juste cause or matter soe to doe, and matter, yff it were trewe, as it is not, merelye & directlie determinabull & to be determined at & bye the comyn law, in the countie of Lancastr, & not els wheare, whereunto the same Def prayeth to be remittyd; & yff neverthelesse he shalbe dryven and compellyd further to answear the said fayned Byll in this honourable Courte, thadvauntages of all they pmisses to hym savyd, for the declaracon of the truthe toochyng suche thynges as in the same insufficient Byll are objectyd & leyd to the charge of this defendant, and answeare thereunto, the same Def sayeth, that in the monethe of November last past, the Kyng & Quyne, theyr Majesties Lrs of Privie Seale, directyd owt of this honourabull Courte, were delivered to this & thooder Defendes in the sayd Byll of Complaynt mentioned, comaundyng & injoynyng them furthwyth upon the recepte thereof, to leyve & forbeare to receyve, perceive or take any the issues, tolles, customes in the said Byll of Complaynt mentioned, or then after not to intermedle or have to doe wythe any ooder thyng or thynges in the same Byll of Complaynt rehersed; syns which tyme, as well the said Defendant as all ooder to whome the same were soe addressyd have most humblie & thorughlie obeyed the same, and by reason theareof have hiderto forborne to have or receyve pfittes, customes, & emolymentes happyng, rysyng & groyng, and wch syns the recepte of the said Lrs of Injuction have happed, rysyn & groyn wythin the said Towne of Liverpole, in the said Byll of Complaynt mentioned, wch els of ryght they owght & are intituled to have & receyve: And the same Roger Walker furthermore sayeth, that as well Kyng John of moost worthie memorie, as alsoe King Henrie, the Thyrde of that name, Edward the firste, Rychard the Second & divers other pgenitos of ou Soveraigne Ladie the Quyne her Matie, Kynges of England, by theyre severall Lrs Patentes under theyr

theyr Great Scalle of England, readye to be shewyd, have and dyd grant to they Burgeses of Liverpole aforesaid, and theyr successors for evemore, that the same Burgesies and theyr said successo̅s should not onlie have & kepe for evermore the said Towne of Liverpole, and that the same Towne shulde be a fre Boorughe for ever, and y^t they Burgeses thereof shuld have & enjoye all & e̅y the same & like liberties & fre customes that any fre Boorughe standing by the sea in England or Waals then had, and alsoe shuld have & enjoy wythin theyr said Towne a Gylde Merchant, with the hanse and all liberties and fre customes to the same Gylde aptaignyng, and that non ooder than suche as were of that Gylde should occupie merchandise wythin the said Boorughe but by the consent̅ of they Burgeses of the said Boorughe for the tyme being, but alsoe & furthermoore the same Burgeses & their successors shuld have & injoye for ever wythin the said Towne or Boorughe soc & sac & tholl & theam and infangtheff, & that thorughowt all England & Waal̅ & the port̅ of the sea within the same, & that they Burgesies & theyr successors shuld be quyete of & from paiying of tolle, lastage, passage, pontage, & stallage, & that they should make noe suete neyther to the Countie Courte, neyther els to the Wapentake, for any thyng holden wythin the said Boorughe; and that all & e̅y marchant̅ from what place soever co̅myng, beying in amitie wyth the Kyng, awder els havyng save coundyth, shuld & myght savelye come unto & arive at the said Boorughe wyth theyre marchandise, & shuld & myght tarie theare savelie, and savelie from thense passe, doyng & paying theare theyr customes & ooder dueties as moore at large in & by the said L̃res Patent̅ redye to be shewed, maye & shall apeare: And the same Kyng Richard the Second, by his L̃res Patent̅, redye to be shewed, under the Gret Scalle of England, datyd at Westmynster the xi day of June in the fyfte year of his raigne, dyd furthermoore grant and by his said Charter confirme for hym, hys heyrs and successors, to the same Burgeses and theyr successors, that they for evermoore shuld & myght fullie enjoye & use for evermoore, withowt let or impediment of hym, his heyrs or successo̅s, Justic̅, Excheyto̅s, Shyryff̅, Baylyff̅ or any ooder theyr Ministers, all and e̅y the said liberties, privileges, fredomes and customes aforesaid, notwythstandyng non user, misuser or abuser of the same, as in & by the same last remembred L̃res Patent̅, redye alsoe to be shewed, shall & maye more at large and moore manifestlie apeare; syns whiche tyme, by force of ooder the grant̅, by lyke L̃res had and made syns by ooder they p̄genitor̅ of our said Soveraigne Ladie the Quyne, theare have byn & nowe byn electyd & choosyn e̅y yere oone Mai̅ & too Baylyff̅ toe be & remayne as su̅me & hed officers oone holle yere, for the good governaunce of the same Towne or Boorughe, & they inhabitant̅ thereof: And the same Roger Walker, this Def further sayeth, that by the tyme whereof the memorie of man is not to the contrarie, they Baylyff̅ of the Towne of Liverpole, at the co̅maundem̅et of the Mayre of the said Boorughe for the tyme beyng, have had & used to have, perceyve, receyve & take to theyre owne uses, toward theyr yerelie charg̅ & gret expens̅, by the said officers for the tyme beyng yerelye layd owt & bestowed, & to be bestowed, in & abowte the walles of the said Towne & Chapell yarde thear, toward̅ the sea, & ooder they necessarie defenc̅ of the said Boorughe from the sea, & the amendyng of the Kaye theare, the tolle & stallage of the fayrys & markett̅, wythe p̄quisit̅ of the Courtes of the said Boorughe, & all & e̅y ooder customes theare due & payabull for m̃chandise shippyd or dischargyd; and by the same tyme have had & used to have oone clercke that haath taken the entrie of all suche good̅ & m̃chandize as have byn shyppyd or dischargit theare; and by all that tyme have had, used & kept a seale, co̅mynlie called the Towne Seale, whearewythall they have & always dyd sealle they instrument̅ & wrytyng̅ towchyng & con̅cnyng they co̅myn and publicke affayr̅ & doyng̅ of the said Boorughe, and all suche contract̅ & bargaynes as have or dyd concerne the holle bodie thereof, and recognisaunce had & knowledgyt before the Mayre & Bayliffe of the same Towne for the tyme being: And the same Roger Walker furthermoore sayeth, that neyther the said Complaynant, nor eny ooder having the ferme or lees of suche the rentes & p̄fitt̅ as the same Compleynant claymyth to have and enjoye by force of his seyd lees in the sayed Byll of Complaynt mentioned at eny tyme or tymes afore the said L̃res of Inju̅ction had and obtaigned, have had, enjoyed, pseyved or taken, or of ryght ought to have, enjoye, p̄seyve or take, in the said Towne or Boorughe of Liverpole, or wythin the Liberties thereof by vertue or force of the said lees, but onelye the rent̅ of the said Towne, usuallie called the fee fermes, that is to saye, of e̅y burgage there xij^d, the ferryeboote thear on the watter of Mercie, & p̄fitt̅ thereof, they myllnes thear & they p̄fett̅ thereof the custome of ancorage or keyle tolle of all straungers thider co̅myng, wythe the flesh shamels theare, & non ooder customes, ryght̅ or duties co̅myng happ̄yng or risyng in the said Towne of Liverpole, or wythin the Liberties of the same; all whiche & e̅y of them, soe of ryght due & to be pceyved, had, used or enjoyed by the same Complaynant, by vertue of his said lees, the same Complaynante ever and frome tyme to tyme hiderto haath had, pseyved & taaken, wythowt interrup̄c̄on or order let by this Def, or by any ooder p̄son or p̄sons by his consent or p̄curement; & suche of the rest & residue of the said customes ryght̅ and p̄fitt̅ due to the said Burgesies, & payabull to the said Baylyffes & hed officers of the said Towne of Liverpole, for the tyme beying, the same said nowe Defendante, by Thomas Secom and John Wynstanleye than Baylyff̅, as well afore the sayd ix^h daye of October, in the said Byll of Complaynt named & mentioned, as then after, dyd leyvie pceyve and receyve the same, as lawfull was for theym to doe, untyll the xviij^th daye of the same October, being the elec̄c̄on daye in Li̅pole aforesaid, on w^che daye S^r. William Norres, Knyght, was than & thear electyd & choosyn Mayre, Robert Corbet & Martyn Comberbache, Baylyff̅. And this said Def furthermoore sayeth, that divers & sundrye L̃res Patent̅ of the sayd p̄genito̅s of o̅ said

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Soveraigne Ladie the Quyne, Kyngꝭ of England, by force wheareof & by which the sayd Maiõ Baylyffꝭ and Burgesies, have & owght to have, enjoye & use the foresaid liberties, & divers oother liberties, privileges, preheminencꝭ & ꝑfettꝭ not afore herein expressed, & remayne as nowe owt of thayr handꝭ, whiche hyderto they cannot atteyne, nor come bye; wythowt that, the laate Kyng Henrye, by his Lr̃es Patentꝭ, under the Sealle of his Duchie, datyd the xxxvijth yere of his raigne, dyd dimise, grant or betake to the said Complaynant & Sir William Molineux, Knyght, the Complaynantꝭ said Fader, the Towne & Lordshyppe of Liverpole, wyth the appurtenaunceꝭ, and alsoe the stallage & tolle of marketꝭ & fayrꝭ, with the ꝓquisiteꝭ of the Courtes in Liv̄pole aforesaid; and thoo he soe dyd, his Highness was utterlie disceyved in his grant, and therfore the same grant thereof was utterlie voyde, and theareby nothing thearof passed to the sayd nowe Complaynant, or to his said Fader, by the same Lr̃es Patentꝭ, nor yet the same Defend, or any of they Burgesies of the said Towne of Liv̄pole, are at all or eny thyng thearebye hyndred in law or equitie, or by reason theareof theareunto compellabull or of ryght cõpelled to answerre in this honourable Courte of the Duchie at Westmynster; and wythowt that, that any oder thing or thingꝭ, matter or matters effectuall in the same fayned Byll of Complaynte mentioned, worthie to be answered unto, and herein not well & sufficientlie answered, confessed and avoydyt, levied or traversyd, is or are true; whearfore the same Def nowe prayeth, for asmuche as by reason of the sayd Lr̃es of Injūction to him & thooder Def delyv̄yd, he would not in eny wise on his behallffe disobye the same, haath not onelye consentyd & seen the sayd Towne Sealle to the said Complaynant delyv̄d, w^{ch} he moost injustlie namethe the Cocket Sealle, but that alsoe this same Def, synce the recepte of the saide Lr̃es of Injūccion, haath & doyth forbeyre to have to doe or any further to intermedle in the ꝓmisis, wheareof & of wheche said ꝓmisis of ryght & verrye duetie he & the ooder Def owght to have perceyve, receyve take & enjoye and therfore he prayeth that the same Injūccion mey be dissolved, & y^{t} the sayd Sealle may be redilyveryd, and alsoe that he & thooder Def, wth they said Burgesies, may be restoryd to thayr awncient ryghtꝭ, customes & duties, and alsoe that he on his behallffe & partie may be dismissed wth his reasonabull costꝭ in this trowble & unlawfull suete by hym borne & sustayned.

John Ogle. Robt. Shawe.

The foregoing is a true copy of the original, preserved in the Office of the Duchy of Lancaster, having been examined therewith.

Fk. Dawes Danvers, C. C.

Duchy of Lancaster.

E Libro Depc̃ons & Exac̃ons, Phil. & Mary, Vol. XI. M. 1(n) to M. 1(t) (included.)

The Answeare of Thomas Secom, of Liverpole, to the Byll of Complaynt exhibityd agaynst hym & ooders by S^{r} Rychard Molyneux, Knyght.

The same Thomas Secom, Def, sayeth, that the said Byll of Complaynt, in the effectuall matters thereof, is untrewe & insufficient in law to be answearyd unto & contryvyd & sett furthe by the sayd Complaynant upon onelye purpos & meyning injustlie to vexe & trowbull the same Thomas Secō in the same Byll of Complaynte named, & to put hyme to gret expensis and chergꝭ wythowt just cause or matter soe to doe, and matter, yff it were true, as it is not, merelye & directlye determinabull & to be dt̄mined at and by the cõmyn lawe in the Countie of Lancastr, & not els whear, whearunto the same Def p̄yeth to be remitted; and yff neverthelesse he shal be dryvyn & compellyd further to answear the sayd fayned Byll in this honourable Courte, thadvauntage of all the ꝓmissꝭ to him savyd, for declaracõn of the truthe toochyng suche thyngꝭ as in the same insufficient Bylle are objectyd & layd to the cherge of thys Defendant, and answeare thereunto, the same Def sayth, y^{t} in the monythe of Novembre last past the Kyng & Quyne theyr Majesties Lr̃es of Privie Seale, directyd owt of this honourable Courte, were delyv̄yd to this & thoder Defendentꝭ in the sayd Byll of Complaynt mentioned, cõmaundyng & injoynyng theyme furthwyth, upon the recepte thereof, to leave & forbeare to receyve pseyve or take any the issues, tolls, customes in the sayd Byll of Complaynt mentioned, or than after not to int̄medle or have to doe wyth any oother thyng or thyngꝭ in the same Byll of Compleynte rehersed; syns w^{ch} tyme, as well this said Def, as allsoe all other to whome the same Lr̃es were soe addressyd, have most humblye & thrughlie obeyd the same, and by reason theareof have hytherto forborne to have or receyve ꝑfyttꝭ, customes and emolymentꝭ happ̄yng, risyng & groyng, and w^{ch} syns the recept of the sayd Lr̃es of Injūction have happ̄ed, rysyn & groyn wythin the said Towne of Liverpole in the said Byll of Cõplaynt mentioned, w^{ch} els of ryght they owght & are intitled to have & receyve: And the same Thomas Secom furthermoore sayeth, that as well Kyng John of most worthie memorie, as alsoe Kyng Henrye the Thyrd of that name, Edward the Fyrste, & Rychard the Secound, & divers oother ꝑgenitōs of our Soveraigne Ladie the Quyne her Ma^{tie}, Kyngꝭ of England, by theyr sev̄all Lr̃es Patentꝭ under theyr Great Sealle of England redye to be shewed, have & dyd grant to the Burgesis of of Liverpole afs^{d}, and theyr successors for evermoore, that the same Burgesies and theyr said successors shuld not onlie have & kepe for evermoore the said Towne of Liverpole, and

and that the same Towne shuld be a fre Boorughe for ever, & and that they Burgesies thereof shuld have & enjoye all & e᷑y the same lyke liberties & fre customes that any fre Boorughe standing by the sea in England or Waales then had, and alsoe shuld have & enjoye wythin theyr said Towne a Gylde Marchant, w^th^ the hanse & all liberties & fre customes to the same Gylde apertaignyng, and that non ooder than suche as were of that Gylde shulde occupie marchandyse wythin the said Boorughe but by the consent᷑ of the Burgesys of the said Boorughe for the tyme beyng, but alsoe and furthermoore they same Burgesies & theyr successors shuld have & enjoye for ever wythin the sayd Boorughe soc & sac & tholl & theam & infangthieffe, and that thoroughowt all England & Waal᷑, & the portis of the sea wythin the same, and that they said Burgesies & theyr successors shulde be quyete of & from paiyng of tolle, lastage, passage, pontage & stallage, & that they shulde make noe suete neyther to the Countie Courte, neyther els to the Wapentake, for eny thyng holden wythin the said Boorughe; and y^t^ all & e᷑y m̃chaunt᷑, from what place soe ever com̃yng, beying in amitie wythe the Kynge, awder els havyng his save coundyth, shuld & myght savelye come unto & aryve at the sayd Borughe, wyth theyr marchandises, & shuld & myght tarie theare savelye, and savelye from thense passe, doyng & paying thear theyr customes & ooder dueties; as moore at large in & by the sayd L̃res Patent᷑ readye to be shewed maye & shall apere: And the same Kyng Rychard the Second, by his L̃res Patent᷑ readye to be shewed, under the Gret Seale of England, datyd at Westmynster, the xj daye of June in the fyfte yeare of his raigne, dyd furthermore graunt, & by his sayd Charter confirme, for hym, his heyrs & successors, to the same Burgesies & their successors, that the same Burgesies & theyr successors for evermoore shuld & myght fullie enjoye & use for evermoore, without let or impediment of hym, his heyrs or successors, Justic᷑ Excheyttors, Sheyryff᷑, Baylyff᷑, or any ooder theyr Ministrers, all and e᷑y the said liberties, privilegies, fredomes & customes aforesaid, notwithstandyng nō user, misuser or abuser of the same, as in & by the same last remembred L̃res Patent᷑, readye alsoe to be shewyd, shall & maye moor at large & moore manifestlie apeare; syns whyche tyme, by force of other the grant᷑ by lyke L̃res had & made syns by ooder they p̃genitours of our said Soveraigne Ladie the Quyne, theare have byn & nowe be electyd & choosyn e᷑y yere, oone Maiō & too Baylyff᷑, to be & remayne as sup̃me & hed officers oone holle yere, for the good governaunce of the same Towne or Boorughe, & they inhabitaunt᷑ thereof: And the same Thomas Secom, this Def, further sayeth, that by the tyme whereof the memorie of man is not to the contrarie, they Baylyff᷑ of the Towne of Liverpole, at the com̃aundement of the Mayre of the sayd Boroughe for the tyme beyng, have had & used to have p̃seyve receyve & take to thayre owne usies, toward᷑ they yerely chargies & great expences by the like officers theare for the tyme beyng yearelye layd owt & bestowyd, and to be bestowyd, in & about the walles of the Towne & Churche yarde towarde the sea, and ooder they necessarie defenc᷑ of the same Boorughe from the sea, the tolle, stallage of fayr᷑ & market᷑, wyth they perquisit᷑ of the Courtes of the sayd Boorughe, & all & e᷑y ooder customes theare due & payabull for m̃chandyse shyppyd or discharged; & by the same tyme have had & used to have oone Clercke, that haath taken the entrie of all such good᷑ & marchandise as have byn shyppyd or dischargit thear; and by all that tyme have had, used & kept a Seale, com̃ynlie called the Towne Seale, whearwythall they have & alwayes dyd seale they instrument᷑ & wrytyng᷑ toochyng & concernyng the com̃yn & publick affayr᷑ & doyng᷑ of the said Boorughe, and all suche contract᷑ & bargaynes as have or dyd concerne the holle bodye thereof, and recognisaunces had & knowledgyt before the Mayre & Balyff᷑ of the same Towne for the tyme beyng: And the same Thomas Secō furthermoore sayeth, that neyther the said Complaynant nor eny ooder havyng the ferme or lees of suche the rent᷑ and p̃fitt᷑ as they same Complaynant claymyth to have & enjoye by force of his sayd lees in the sayd Byll of Complaynt mentioned, at eny tyme or tymes afore the sayd Letters of Injunction had & obtaigned, have had, enjoyed, perseyved or takyn, or of ryght ought to have, enjoye, persayve or take, in the sayd Towne or Booroughe of Liverpole, or wythin the liberties thereof, by virtue or force of the sayd lees, but onelye the rent᷑ of the said Towne, usuallie called they fee farmes, that is to saye, of e᷑y burgage theare xij^d^ the feryboote theare on the water of Marsie, and p̃fitt᷑ thereof, they myll᷑ theare and the p̃fiytt᷑ thereof, the custome of ancorage or keyltolle of all straungers thider cum̃yng, & the flesshe shamels, and non ooder customes, ryght᷑ or dueties cum̃yng, happ̃yng or rysing in the said Towne of Ly᷑pole, or within the Liberties of the same; all whiche & e᷑y of thayme, soe of ryght due & to be p̃ceyved, had, used or enjoyed by the sayd Complaynant, by vertue of his said lees, the same Complayn^t^ ever & from tyme to tyme hyderto haath had, p̃ceyvyd and taken, wythowt interrup᷑on or oder lett by this Def, or by eny oder person or p̃sons by his consent or p̃curement, and suche of the rest and residue of the sayd customes ryght᷑ & p̃fitt᷑ due to the said Burgeses & payabull to the Baylyff᷑ & hed officers of the said Town of Liverpole for the tyme beyng, the same said nowe Defendant in the said Byll of Complaynt, as well afore the said ix^th^ daye of October named & mentioned, as than after, beyng Baylyffe thereof, dyd leavye perceyve and receyve the same, as lawfull was for hym to doe, untyll the xviij^tene^ daye of the same October, beyng the eleccion daye in Li᷑pole aforesaid, on whiche daye S^r^ William Norres, Knyght, was than & theare electyd & choosyn Mayre, Robert Corbet & Martyn Combarbache, Bayliff᷑: And this said Def furthermore sayethe, that divers and sondrie L̃res Patent᷑ of they said p̃genitors of our said Soveraigne Ladye the Quyne, Kyng᷑ of England, by force whereof and by w^che^ the said Mayre, Baylyff᷑ and Burgeses have & owght to have, enjoye and use the foresaid liberties, and divers ooder liberties, privileges, preheminenc᷑ and p̃fett᷑ not afore herein expressed, and remaine as nowe owt of theyre hand᷑, which hiderto they cannot atteyne or come by; wythout that,

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the laate Kyng Henrye theyght, by his Lres Patentꝭ under the Seall of his Duchie, datyd the xxxvij^th yere of his raigne, did dimise, grant or betake to the said Complaynant & S^r William Molyneux, Knyght, the Complaynantꝭ said fader, the Towne and Lordshyppe of Liverpole, with the appurtenaunceꝭ, and alsoe the stallage and tolle of the fayrꝭ and marketꝭ w^th the pquisitꝭ of the Courte in Lyverpole aforesaid; and thoe he soe dyd, his Highnes was utterlie disseyvyd in his grant, and therfore the same graunte theareof was utterlie voyd, and thearbye nothing theareof passed to the said nowe Complaynant or to his said fader by the same Lres Patentꝭ, nor yet the same Defend, or eny of they Burgesies of the said Towne of Liverpole, are at all or eny thing thearbie hyndred in law or equitie, or by reason theareof theare unto compellabull or of ryght compellyd, to answeare in this honourable Courte; and whythowt that, that eny ooder thyng or thyngꝭ, matter or matters, effectuall in the same faynyd Byll of Complaynt mentioned, worthie to be answearyd unto & herein not well & sufficientlie answearyd, confessid and avoydyt, levyed or traversyd, is or are true; wherfore the same now Defend prayeth, for as muche as by reason of the said Lres of Injūccion to hym delyvyd, he would not in any behallfe disobey the same, haath consentyd not onelye the delivance of the Towne Seall to the sayd Complaynant, w^ch he most unjustlie namythe the Cocket Seale, and for that alsoe he the same Def, syns the recepte of the said Lres of Injūccion, hath and doeth forbeare to have to doe or any further to intermedle in the pmissꝭ, wheareof & of wheche said pmissꝭ of ryght and verrye duetie he owght to have, perceyve, receve, take & enjoye, & therfore he prayeth that the same Injūccion may be dissolved, and that the said Seale may be redelivyd, and alsoe that he & they said Burgesies maye be restoored to they sayd awncient ryghtꝭ, customes and dueties, and alsoe that he maye be dismissed wyth his reasonabull costꝭ in this trowbull & unlawfull suete by him borne and susteyned.

John Ogle. Robt Shawe.

The foregoing is a true copy of the original preserved in the office of the Duchy of Lancaster, having been examined therewith.

(signed) *F^k Dawes Danvers*, C. C.

Duchy of Lancaster.

E Libro Depcons & Exacons, Phil: & Mary, Vol XI. M. 1. ([u]) to M. 1. ([z]) (included).

The Answeare of Martyn Combarbache, oone of the Baylyffꝭ of Liverpole, to the Byll of Complaynt exhibityd agaynst hym & ooders, by S^r. Rychard Molineux, Knyght.

The same Martyn Combarbache, Defendent, sayeth that the said Byll of Complaynt, in theffectual matters theareof, is untrewe & insufficient in lawe to be answearyd unto, & contryvyd and sett forthe by the sayd Compleynante upon onelye purpas & meanyng unjustlie to vexe & trowble the same Martine Combarbache in the same Byll of Complaynte named, & to putt hym to great expensis & chargꝭ without just cause or matter soe to doe, & matter, yff it were true, as it is not, merelye & directlye determinabull & to be determined at & by the comyn lawe in the Countie of Lancastr, & not els wheare, where unto the same Defendent pyth to be remittyd; and yff neverthelesse he shalbe dryvyn & compellyd further to answer the sayd fayned Bill in this honourabull Courte, thadvauntage of all the pmises to hym savyd for declaracon of the truthe toochyng such thyngꝭ as in the same insufficient Byll are objectyd & layd to the charge of this Defend, and answear thereunto, the same Defend sayeth, that in the moneth of Novembr last past, the Kynge & Quyne, theyr Majesties Lres of Privie Sealle, directyd owt of this honourabull Courte, were delivd to this & thooder Defend in the sayd Byll of Complaynt mentioned, comaundyng & injoynyng theyme furwythe, upon the recepte theareof, to leave and forbeayre to receyve, perceyve or take any the issues, tollies, customes in the sayd Byll of Complaynt mentioned, or than after not to intermedle or have to doe wythe any other thyng or thyngꝭ in the same Byll of Complaynte rehersed; syns whiche tyme, as well this said Defendent, as allsoe all oother to whome the same Lres were soe addressyd, have most humblie & thoorughlie obeyd the same, and by reason theareof have hitherto forborne to have or receyve pfittꝭ, customes & emolimentꝭ happyng, risyng or groyng, and whiche syns the recepte of the said Lres of Injūccion have happed, rysyn & groyn wythin the said Towne of Livpole in the sayd Byll of Complaynte mentioned, whiche els of ryght they owght and are intitled to have & receyve: And the said Martine Combarbache furthermore sayeth, that as well Kyng John, of most worthie memorie, as alsoe Kyng Henrye, the Thyrde of that name, Edwd the First, & Rycharde the Seconde, and divers ooder pgenitours of our Soveraigne Ladie the Quyne her Ma^tie, Kyngꝭ of England, by theyr severall Lres Patentꝭ under theyr Gret Seale of England, readye to be shewed, have & dyd grante to the Burgesies of Liverpole aforesaid, & theyr successors for evermore, that the same Burgesies & theyr said successors shuld not onelye have & kepe for evermor the said Towne of Liverpole, and that the same Towne shuld be a fre Boorughe for ever, & that they Burgesies theareof shuld have and enjoye all and everie the same like liberties & fre customes that eny fre Boorughe standyng by the sea in England or Waales than had, and alsoe shuld

shuld have & enjoye wythin theyr said Towne a Gyld Marchant, w^th^ the hanse & all liberties & fre customes to the same Gylde apertaignyng, and that non ooder than suche as were of that Gylde shuld occupie marchandise wythin the said Boorughe but by the consent of the Burgesies of the said Boorughe for the tyme beyng, but alsoe and furthermore they same Burgesies & theyr successors shuld have & enjoye for ever within the said Boorughe soc & sac & tholl & theam & infangthiff, & that thorughowt all England & Waal℄, & the port℄ of the sea wythin the same, and that they said Burgesies & theyr successors shuld be quyete of & frome paying of tolle, lastage, passage, pontage & stallage, and that they shuld make noe suete neyther to the Countie Courte neyther els to the Wapentake, for eny thyng holden wythin the said Boorughe, and that all & everye m̃chant℄ frō what place soever com̃yng, beyng in amitie w^th^ the Kyng, awder els havyng his savecoundyth, shuld & myght savelie come unto & aryve at the said Boorughe wyth theyr marchandyses, & shuld & might tarie theare savelie, and savelie from thense passe, doyng & paiyng theare theyr customes & ooder dueties, as moore at large in & by the sayd Letter℄ Patent℄ readye to be shewyd may & shall appear: And the same Kyng Rychard the Second, by his L̃res Patent℄ readye to be shewyd, under the Gret Sealle of England, datyd at Westmynster the xj^th^ daye of June, in the fieft yeare of his raigne, dyd furthermore graunt & by his said Charter confirme for hym, his heirs and successors, to the same Burgesies and theyr successors, that the same Burgesies & their successors for ever moore shuld & myght fullie enjoye & use for ever more, wythowt lett or impediment of hym his heyrs or successors, Justic℄ Excheytors, Sheyriff℄, Baylyff℄, or eny ooder theyre ministers, all & e℣y they said liberties, privilegies fredomes & customes aforesaid, notwithstandyng non user, misuser or abuser of the same, as in and by the same last remembred L̃res Patent℄ ready alsoe to be shewyd shall & may moore at large & moore manifestlie apeare; syns whiche tyme, by force of ooder the grant℄ by lyke L̃res had & made syns by ooder they ꝑgenitors of our sayd Soveraigne Ladye the Quyne, theare have byn & nowe be electyd & choosyn every yere oone Mayre & too Bayliff℄, to be & remayne as sup̃me & hed officers oone holle yere, for the good governaunce of the same Towne or Boorughe, and they inhabitaunt℄ thereof: And the same Martyn Combarbache, this Def further sayeth, that by the tyme whereof the memorie of man is not to the contrarie, the Baylyff℄ of the Towne of Li℣pole, at the com̃aundment of the Mayre of the sayd Boorughe for the tyme beyng, have had & used to have, ꝑceyve, receyve, & take to theyr owne uses, toward℄ they yerelie charg℄ & great expenc℄ by the lyke officers theare for the tyme beyng yerelye leyd owt & bestowed, and to be bestowed, in and abowte the walles of the Towne & churche yarde toward the sea, and ooder they necessarye defensys of the same boorughe from the sea, the tolle, stallage of fayr℄ & market℄ wyth they ꝑquisit℄ of the Courte of the said Boorughe, & all & e℣y ooder customes theare due & payabull for marchandyse shyppyd or dischargyd; & by the same tyme have had & used to have oone Clercke, that haath taken the entrie of all suche good℄ & m̃chandyse as have byn shyppyd or dischargit theare; and by all that tyme have had, used & kept a Scale, comynlie called the Towne Seale, whearewyth they have & alwayes dyd seaile they instrument℄ & wrytyng℄ toochyng & con̄cnyng the com̃yn & publicke affayr℄ & doyng℄ of the foresaid Boorughe, and all suche contract℄ & bargaynes as have or dyd concern the holle bodie thereof, & recognisaunce had & knowlegit before the Mayre & Bayliff℄ of the same Towne for the tyme beying: And the same Martyn Combarbache furthermoore sayeth, that neyther the said Complainant ner eny ooder havyng the ferme or lees of suche the rent℄ & ꝑfitt℄ as the same Complaynant claymyth to have & enjoye by force of his said lees in the said Byll of Complaynt mentioned, at eny tyme or tymes afore the said L̃res of Injūccion had & obtaigned, have had, enjoyd, ꝑseyvd or takyn or of ryght owght to have enjoye ꝑceyve or take in the said Towne or Boorughe of Li℣pole, or wythin the Liberties thereof, by vertue or force of the said lees, but onelye the rent℄ of the sayd Towne, usually called the fee farmes, that is to saye, of e℣y burgage theare xij^d^, the ferye bootte thear o℣ the water of Marsie, & ꝑfitt℄ thereof, they myll℄ theare & the ꝑfitt℄ thearof, the custome of ancorage or keylle tolle of all straungers thider cum̃yng, & the fleshe shamel℄, & non ooder customes, ryght℄ or dueties cum̃yng, happ̃yng or rysyng in the sayd Towne of Li℣pole, or w^th^in the Liberties of the same; all whiche & e℣y of thayme, soe of ryght due & to be perceyvyd, had used or enjoyed by the sayd Complayn^t^ by vertue of his said lees, the same Complaynant ever & frome tyme to tyme hyderto haath had, ꝑseyved & takyn, withowt interrupcon or ooder lett by this Defendant, or by eny ooder person or persons by his consent or ꝑcuremēt; and suche of the rest & residue of the sayd customes, ryght℄ and ꝑfitt℄, due to the said Burgesies, & payabull to the Balyff℄ & hed officers of the said Towne of Liverpole for the tyme beyng, the same said nowe Def in the sayd Byll of Compleynt named & mentioned, the said ix^th^ daye of October, than beyng noe Baylyffe thereof, neyther dyd leyvie, perceyve, take, or any thyng at all had thearewyth to doe, but from the xviij^tene^ daye of the said October, and not afore, he dyd leyvie, perceyve, receyve and take, as lawfull was for hym to doe, untyll the said L̃res off Injūccion were to hym & thooder Defend delyveryd; And this sayd Defend furthermore sayethe, that divers and sondrye Lres Patent℄ of the said ꝑgenitors of our said Soveraigne the Quyne, Kyng℄ of England, by force whereof & by whiche the sayd Mayre, Baylyff℄ and Burgeses, have & ought to have, enjoye & use the forsaid liberties, and divers ooder liberties, privileges, preheminenc℄ and ꝑfitt℄ not afore herein expressyd, & remayne as nowe owt of thayr hand℄, whiche hyderto they cannot atteyne nor come bye; wythowt that, the laate Kyng Henrye the viij^th^, by his Letters Patent℄, under the Sealle of his Duchie, datyd the xxxvij^th^ yeare of his raigne, dyd dimise, grant or betake to the sayd Complaynant, & Syr William Molyneux, Knyght, the Complaynant℄ said fader, the Towne & Lordshyppe of Lyverpole, w^th^ the appurtenanc℄, and alsoe the stallage and tolle of

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markettꝭ and fayrꝭ, wᵗʰ the ꝑquisitꝭ of the Courte in Liverpole aforesaid, and thoe he soe dyd, his Highnes was utterlie deceyved in his grante, and therfore the same grante theareof was utterlie voyde, and thearebye nothyng theareof passed to the sayd nowe Complaynant, or to his said fader, by the same Lr̃es Patentꝭ, nor yet the same Defend, or eny of they Burgesies of the said Towne of Liverpole, are at all or eny thing thearebye hyndred in lawe or equitie, or by reason thearof theareunto compellabull, or of ryght compelled, to answere in the honoʳable Courte of the Duchie at Westmynster; and wythowt that, that eny ooder thyng or thyngꝭ, matter or matterꝭ, effectuall in the same fayned Byll of Complaynt mentioned, worthie to be answered unto, and herein not well & sufficientlie answeryd, confessyd, & avoydyt, leyvied or traversyd, is or are trewe; whearefore the same nowe Def prayeth, for as muche as, by reason of the said Lr̃es of Injūccion to him & thooder Defend delyv̄d, he wold not in eny wyese on his behallfe disobaye the same, haath not onlie consentyd & seen the said Towne Sealle to the sayd Complaynante delyv̄yd, whiche he most injustlie namethe the Cocket Seale, but that also the same Def, synce the recepte of the said Lr̃es of Injūccion, haath & doyethe forbeyre to have to doe or eny further to intermedle in yᵉ ꝑmissꝭ whereof & of whiche said premissꝭ of ryght & verrye duetie he & thooder Def owght to have & ꝑceyve, receyve, take & enjoye, and therefore he prayeth that the same Injūccion may be dissolved, & that the said Seale may be redelivered, and alsoe that he & thooder Defend, wyth thay sayd Burgesies, mey be restoryd to theyr auncient ryghtꝭ, customes & dueties, and allsoe that he, on his behallfe & partie, may be dismissed wyth his reasonabull costꝭ in this trowbull & unlawfull suete by hym borne & sustayned.

John Ogle. Robt. Shawe.

The foregoing is a true copy of the original, preserved in the office of the Duchy of Lancaster, having been examined therewith.

Fᵏ Dawes Danvers, C. C.

Duchy of Lancaster.

E Libro Depc̃ons & Exac̃ons, Phil. & Mary. Vol. XI. M. 1. (ᵃᵃ)

Philip & Mary, by the grace of God King and Quene of England, France, Naples, Jerusalem and Irelond, Defendoʳ of the Faith, Princes of Spaine and Cicile, Archedukes of Austrie, Dukes of Millaine, Burgon and Brabant, Countyes of Haspurge, Flaunders and Tirolt; To or̃ trustie and welbeloved John Ogles and Robt̃e Shawe, gent̃, and to either of theim, gretinge, For certaine consyderac̃ons us movinge, wee woll and desyre youᵘ ij jointly, at time and place convenient, by youᵘ to be limyted and appointed, that ye by vertue hereof do call before youᵘ Sʳ Willm Norres, Knight, Roger Walker, Thom̃s Ceycome, John Winstanley, and Martine Cumberbeche, and ev̄y of them, and thereupon to the Bill of Complaint herein enclosed ye do take there joynt or sev̄all answer or answeres, and that ye do take the othes of theim and of ev̄y of theim, upon the Holye Evangelist, that suche answere or answeres as they and ev̄y of them shall make and bringe before you in wrytinge, to the said Bill of Complaint, ys true; and also to examyne the said Sʳ Willm Norres, and the rest above named, upon such interrogatoryes as Sʳ Rychard Molyneux, Pt̃, shall mynister unto youᵘ; and thereupon, and of yoʳ factꝭ, doingꝭ and proceedingꝭ, wᵗʰ these or̃ Lr̃es, Byll of Compt, and other the ꝑmisses, do c̃rtify oʳ Chauncellʳ and Councell of oʳ Duchie of Lancaster, in oʳ Duchie Chamber at oʳ Palois of Westm, in the morne next after the Feast of All Sotes next com̃yng, not failing hereof as wee trust youᵘ Yeven at oʳ said Palois, under oʳ Seale of oʳ said Duchie, the iij. day of July, in the fyrst and second yeres of oʳ raignes.

Heydon

(In dorso)

Brought in by Harry Cunnye, and he reꝯ itt at thandꝭ of John Ogle and Robert Shawe.

The foregoing is a true copy of the original, preserved in the office of the Duchy of Lancaster, having been examined therewith.

Fᵏ. Dawes Danvers, C. C.

Duchy of Lancaster.

E. Libro Depc̃ons & Exac̃ons, Phil. & Mary, Vol. XI. M. 1. (ᵇᵇ.)

Interrogatores to be mynistred unto Sʳ. Willm Norres, Knyghte, Roger Walker, Thom̃s Seacome, John Wynstanley, & Martyn Cūberbache, Def, on the behalf of Sʳ Ryc̃ Molyneux, Knyght, Compl.

Fyrst, Whether the said Deftꝭ, or any of thaym, have before this tyme received yᵉ Kyng and Quenes Matꝭ Lr̃es of ꝓvy Seale wᵗ Injunc̃on, conc̃nyng yᵉ matters now in varyance betwene the said Compl and the said Deftꝭ, or not?

Itm̄,

Itm̄, Whether y^e^ said Deftℓ, or any of thaym, or any other pson or psons, by their assent, knowlege or pcurement, have at any tyme synce the receyte of the said Lr̃es of p̄vey Seale, w^t^ Injunction, receyved or taken any pt or pcell of y^e^ pfettℓ rysyng w^t^in the said Towne of Liv̄pole, and demysed and letten to y^e^ said Compl̄, or not?

Itm̄, Whether one Thom̄s More, Deputye unto y^e^ said S^r^. Willm Norres, now Mayo^r^ of Lyv̄pole, hath at any tyme synce the said Injunccion delyv̄ed, by the assent, com̄aundem^t^ pcurement or agrement of y^e^ said Deftℓ, or any of thaim, kept any Court w^t^in the said Towne of Liv̄pole, or not?

Itm̄, Whether y said Deftℓ, or any of thaim, or y said Thom̄s More, or any other pson or psons, by thair assent, comaundem^t^, pcurement or agrement, have at any tyme synce y^e^ said Injunc̄con to thaym deliv̄ed, receyved or taken any of y^e^ pquysytℓ or pfettℓ of y^e^ Courtℓ of the said Towne of Liv̄pole, or not?

Itm, Whether y^e^ said S^r^ Willm Norres, hath at any tyme synce y^e^ said Injunc̄con delyv̄yd, kept or cause to be kept any Court or Courtℓ w^t^in y^e^ said Towne of Lyv̄pole, or not; or hath receyved or takyn or cause to be receyved & takyn, any pquysytℓ or pfettℓ of y^e^ said Courtℓ, or not; or whether the extreatyng of y^e^ pquysitℓ of any suche Court or Courtℓ ys or hath ben stayd for y^e^ intent to deffraude or delaye the said S^r^ Ric̄ of y^e^ same, or for what intent y^e^ same extreating ys or hath ben stayd, to your knowlege?

Itm̄, Whether y^e^ sayd Deftℓ, or any of thaym, dothe knowe or herde by credeable report, y^t^ S^r^ Willm Molyneux, Knyght, & y^e^ said S^r^ Ric̄ Molyneux, Knight, or ayther of thaym, ever had any lease of the said Towne and Lordshipp of Liv̄pole, or of the Customaryshipp of the said Towne, or of any other pfettℓ w^t^in y^e^ saide Towne or Lordshipp of Liv̄pole; or not?

John Ogle Robt. Shawe.

The foregoing is a true copy of the original, preserved in the office of the Duchy of Lancaster, having been examined therewith.

Fk. Dawes Danvers, C. C.

DUCHY OF LANCASTER.

E Libro Dep—ns & Exa—ns, Phil: & Mary, Vol. XI. M. 1. (cc).

INTERROGATORIES to be mynistered to Thomas Moore, Maio^r^ of Lyverpoole, upon the behalf of Richard Molyneux, Knight, and Willm Molyneux, the Kinge and Quenℓ Ma^ties^ Fermōℓ of the Towne and Lordeshipp of Lyverpoole.

1. Firste, Whether Nycholas Rigby did ꝺve the Kinge and Quenℓ Ma^ties^ Lr̃es of Privey Seale, w^t^ Injunc̄on, the first daie of January last past, upon you, in the chappell of Liverpoole, in the countie of Lancaster; or not?

2. Item, Whether the saide Nicholas deliv̄ed unto you a coppe of the said Injunc̄con, and shewed you the said Lr̃es of Privey Seale, and offred you to read and paruse the same, to see that the same copie did agree and accorde with the same Injunc̄con or not?

3. Item, Whether you or any other of the Towne of Liverpoole have heretofore at divers tymes, before the saide Injunc̄con to you delyvered, pmytted & suffred one Hughe Dawbye to parceyve, gether and take any tolle of the markettℓ and fayres, or any other profyttℓ w^t^in the Towne and Lordshipp of Liverpole aforesaid, as ꝺvnte or deputy to Richard Molyneux, Knight, and Willm Molyneux, Esquire, or either of them, or not; and whether you dyd knowe that the sayd Dawby receyved the same to thuse of the sayd Fermōs, or of eyther of them, or not?

4. Item, Whether you did ymprison the saide Dawby after the said Injunc̄con ꝺved upon you, or not; and howe longe you kept hym in prison?

5. Item, Whether you knowe that the said Dawby did demande or take certen tolle, corne in the market of Lyverpoole aforesaide, to thuse of the said Fermōs, after the saide Injunc̄on was served; and whether you caused hym, demandinge or takinge the same tolle corne, to be imprisoned, and for what cause you caused hym to be imp̄soned at that tyme more than at any other tyme before; and for what acte, wordes or mysdemeano^r^ you soe ymprisoned him, and what the same acte, wordes & mysdemeano^r^ was, and to what pson the same was commytted or done?

6. Item, Whether you kept or caused to be kept one Courte w^t^in the saide Towne or Lordshipp of Liverpole, after the saide Injunc̄con was ꝺved; or not?

7. Item, Whether you made any Deputie Maio^r^ to execute yo^r^ office there for you & in yo^r^ name in your absens, synce the saide Injunc̄con to you deliv̄ed, and whether you did will, commaunde, admonysh or counsaill the saide Deputie, or any other parson or parsons of the saide Towne, to disturbe the saide Fām̄os, or any other pson that shulde goe about to kepe the saide Court w^t^in the saide Towne, after the said Injunc̄on to you deliv̄ed, or not; and what was the name of yo^r^ sayd Deputy or Deputyes?

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8. Item, Whether you did at any time synce the said Injuncc̃on deliv̄ed saie theis wordes, or the like in effect, that is to saie, That you wolde discharge yo^r said Deputie & the said Burgeses, if they soe did disturbe the said Fermõs for the kepinge of the saide Court, and that you wolde justyfye their doinges therein, and lye in the Flete for theym all, rather then lett the saide Fermõs enjoye the keping of the said Court?

9. Item, To whome spake you theis wordes, and what was the cause that moved you to speake the same?

The foregoing is a true copy of the original, preserved in the office of the Duchy of Lancaster, having been examined therewith.

Fk. Dawes Danvers, C. C.

Duchy of Lancaster.

E. Libro Depc̃ons & Exac̃ons, Phil. & Mary, Vol. XI. M. 1 (dd) to M. 1 (ee) (included).

iij^tio die Februarij, a^is Regnor̃ Dñi Regis Philippi et Dñe Regine Marie, Secundo et Tercio.

Thomas More, of the Towne of Liverpole, in the Countie of Lancaster, Gen̄, of thage of xl^tie yeres or thereabout̄, sworne and examined att Westm̄ the daie and yere abovewrytten, deposeth and saieth, to the first Inter, That the said Nich̃as Rigbye did deliver to him a billett cōteyning theffect of an Injunc̃on, the firste daie of Januarye last past, in the churche of Liverpole aforesaid, and also the said Nich̃as did at the same tyme shewe this Deponente a seale, but what was cōteyned in the writing whereupon the same seale was, this Deponente knoweth not otherwise then the said billett dothe declare; and alsoe sayeth, that the said Nich̃as did not reade the wryting wherupon the seale was unto him, but the said Nich̃as did offer to reade the said wrytinge unto this Deponente, and willed this Deponente to loke upon the said billett, to thentente that this Deponente shulde see the said billett to agree w^th the said wrytinge sealed; and more he knoweth not.

Itm̄, to the seconde Interrogatorye, this Deponente cannot depose otherwise then he before hathe deposed in the first Interrogatorye.

Itm̄, to the thirde Interrogatorie, this Deponente deposeth and saieth, That since the tyme that he hathe ben Maior of the Towne of Liverpole, neither he, nor noe other p̄son or p̄souns by his mean̄ or p̄curement, did interrupte or lett Hugh Dawbye and Thomas Shawe, nor either of them, to p̄ceive, gather, and take eny tolle or other duties and p̄fitt̄ w^thin the said Towne and Lordshippe of Liverpole, for that there was an Injunc̃on awarded owte of this Courte cōcerning the p̄mises against Sir Willm Norres, Knight, then Maior of the said Towne, w^ch was served upon the said Sir Willm and the Bailiff̄ of the said Towne on newe yerē daie last past was one yere; and also saieth, that during all the tyme since the serving of the same Injunc̃on upon the said S^r Willm and the Bailiff̄, the said Hugh Dawbye and Thom̃s Shawe have quietlie p̄ceived and taken the tolle of the said markett̄ and faires, and other p̄fitt̄ w^thin the said Towne, as by the appointemente of Sir Richard Molineux, Knight; and also saieth, that before the same Injunc̃on the said Maior and Bailiff̄ of the said Towne for the tyme being did receve and take the said tolle, custumes and other p̄fitt̄ of the same Towne; and also saieth, that as he supposeth the said Hugh Dawbye and Thomas Shawe did receve the said tolle and other p̄fitt̄ of the said Towne, to thuse of the said Sir Richard Molineux, sins the deliverie of the said Injunc̃on to S^r Willm Norres and the said Bailiff̄, and not att any time before; and more he knoweth not.

Itm̄, to the fourth Interrogatorye, this Deponent deposeth and saieth, That for that the said Hugh Dawbye did misbehave himself in the open markett at Liverpole to this Deponente, as well in his words, countenaunce, and otherwaies, and for that also the same Hugh did, contrarye to the com̄aundemente of this Deponente, being officer there, gather of ev̄y sacke of corne and grayen standing in the markett there, one handfull of corne before the markett bell of the said Towne was ringed; and also saieth, that he this Deponent did declare to the same Hugh, that the same handfull of corne soe gathered was noe kinde of tolle, but onelye geven to suche as were appointed there for the keping clene of the streates, and sitting ladders and ferne under there sack̄ in the said Towne; whereupon for his misbehavour to this Deponente in the said open markett, this Deponente did com̄ytt the said Hugh Dawbye to warde at the Com̄en Hall w^thin the said Towne, the Saterdaie upon newe yerē daie last past, w^ch was after the said billett was delyvered to this Deponente; and also this Deponente saieth, that after the same Dawbye was com̄itted to warde, he this Deponente did will the same Dawbye to deliver the said handfull̄ of corne soe by him taken, and he shulde be released and have his libertie, and the same Dawbye refused soe to doe, and for that cause he did still remayne in warde unto Fridaie then nexte after his said imprisonmente, w^ch Fridaie this Deponent did take his journey toward̄ Lincoln, and soe to London, leving com̄aundemente w^th the Bailiff̄ there, that if he the same Dawbye wolde deliver the said handfull̄ of corne soe by him taken, then to sett him att libertie; and more he knoweth not.

Itm̄,

Itm̄, to the fifthe Interrogatorie, this Deponente deposeth and saieth, That he knoweth not of anie tolle corne demaunded by the said Dawbye, but the said handfullꝭ of corne, wch was never taken as anie tolle corne there, as this Deponente before hathe deposed and saide in the said fourthe Interrogatorye, wch before the tyme of the imprisonmente of the said Dawbye was never demaunded there, but as this Deponente in the fourthe Interrogatorye hathe deposed and said; and also this Deponente deposeth and saieth, that the saide Saterdaie after newe yereꝭ daie last past, the said Dawbye, in the said open markett, did declare and saie to this Deponente, that he was comaunded to take and gather the said handfullꝭ of corne, and as the said Dawbye called itt, toll corne, and also saied that he wolde take and gether the same corne in despite of all men there, wth other evil wordꝭ wch this Deponente dothe not nowe remember; and ferther he cannot depose otherwise then he before hathe deposed in the fourthe Interrogatorye.

By me, Thoms More.

Itm̄ to the sixthe Interrogatorie, this Deponente deposeth and saieth, that one Xpimas eve last past he caused ꝓclamac̃on to be made att the Crosse wᵗin the Towne of Liverpole, to geve monicion and warning to all Burgeses tappere att the Burrowe Mote, according to there aunciente customes, on Thursdaie nexte after twelf daie then nexte ensuing; att wch Thursdaie this Deponente kepte the saide Courte there, wch Courte was kepte after the said billett was delevered to this Deponente, as he before deposed; att wch Courte there were divers officers made according to there auncient customes wthin the said Towne of Liverpole; and also this Deponente saieth, that after the same billett was delevered unto him as aforesaide, he this Deponente did not peceive anie thinge to the contrarye but that he might keape the said Coꝛte, called the Burrowe Mote Court; and more he knoweth not.

Itm̄, to the seventhe Interrogatorie, this Deponente deposeth and saieth, That he in his absence desired one Roger Walker, of the said Towne of Liverpole, that if the Bailiffꝭ of the said Towne had nede of anie ayde or counsell for any busynes cōcerning the said Towne, that he wolde in the absence of this Deponente to see good order, as he the same Roger wolde that this Deponente shulde doe to him, he being in lyke sorte, & not as Deputie to this Deponente; and otherwise he this Deponente did not desier the said Roger to doe for him in his absence; and further he cannot depose.

Itm̄, to theight Interrogatorie, this Deponente deposethe and saiethe, That he at anie time since the deliverie of the said billett did not saie that he wolde discharge his Deputie and the Burgesses of the said Towne, if they did disturbe the Fermor for the kepinge of the Courte there, nor did not saie the wordes or anie the like wordes cōteyned in the same eight Interrogatorie, otherwise then he before hathe deposed and saide; and more he knoweth not.

Itm̄, to the nynthe and last Interrogatorie this Deponente cannot depose otherwise then he before hathe deposed and saide.

By me, Thoms More.

The foregoing is a true copy of the original, preserved in the office of the Duchy of Lancaster, having been examined therewith.

Fᵏ Dawes Danvers, C. C.

Duchy of Lancaster.

E Libro Depc̃ons & Exac̃ons, Phil: & Mary, Vol. XI. M. 1. (ff)

To the Ryghte hoñable Sr Roberte Rochestre, Knyght, Comptroller of the Kyngꝭ and Queenꝭ Maties most hoñable Howsehold, and Chancelloꝛ of the Duchye of Lancastre.

Please hit yoꝛ hoñble m̃shipe to be advertysed, that we, John Ogles and Roberte Shawe, have receyved the Kyng and Quenꝭ Maties most hoñable Lr̃es of Comissione, under ther Hyghnes Sealle of theyr Duchie of Lancastre, to us directyd, to take the joynte or sevꝭalle answere or answeres of Sr William Norres, Knyghte, Roger Walker, Thomas Secome, John Wynstanley, and Martin Cumberbeche, and of every of them, to the Byll of Complaynte exhybited against them by Sr Richard Molyneux, Knyght, which we have also receyved wythin the said Lr̃es of Comic̃on inclosed; & accordinge to the purporte and effecte of the said Letters of Comission, we have called befor us, by vertue thereof, they said Sr Wiłłm Norres, Roger Walker, Thomas Secome & Martyn Cumberbeche, at Mellynge, wythin the Countie of Lancastre the xxviij. daye of Septembre, in the yearꝭ of the reignꝭ of oꝛ Soveigne Lorde and Ladie Philipe and Mary, by the grace of God Kinge & Quene of Englande, Fraunce, Naples, Jerusalem and Irelande, Defendourꝭ of the Faith, Princꝭ of Spaine & Cicilł, Archdukes of Austrie, Dukes of Myllaine, Burgune & Brabantt, Countes of Haspurge, Flanders & Tiroł, the Seconde & Thryde; and then & ther have taken the sevꝭall answerꝭ of the said Sr Wiłłm Norres, Roger Walker, Thomas Secome, and Martyn Cumberbeche, to the said Byll of Complainte of the said Sr Richard Molyneux, takynge every of the said Defendantꝭ sworne upon the Holly Evangelyste the said answere to be

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trewe, and also have examyned the said S^r^ Willm Norres, Roger Walker, Thomas Secome and Martin Cumberbeche, and every of them, seᵛallye upon suche Interrogatories as the said S^r^ Richard Molyneux did ministre unto us; the whiche said Byll of Complaynte, Answerᵗ, Interrogatories & Examynacõns, we send unto yo^r^ hoñable M^r^shipe, under o^r^ Sealles, togeyther wyth the said Lr̃es of Comission annexed.

The Deposicions of S^r^ William Norres, Knight, Roger Walker, Thomas Secome and Martin Cumberbeche, seᵛally sworne and examyned the forsayd daye, years and place, befor us, the said John Ogles, and Robert Shawe, upon the Interrogatories ministred by the said S^r^ Richard Molyneux, Knyght, as heraftre dothe appeare:

Wyllm Norres, Knyght, sworne and examyned, deposythe & sayethe, to the firste Interrogatorie, that he this Deponente receyved no Lr̃es of Prevy Sealle, wythe Injunction, concerninge the matter in varyance betwix the said Compleñet and the said Defend, not by his owne handes, but he knowythe suche lyke ꝑses was delyᵛed to the handes of his deputie, Thomas More, the copie wherof he afterwarde sawe, and what the other dyd he knowythe not.

2. Itm, to the seconde Interrogatorie, he deposythe, y^t^ to his knowlege, neyther he nor none other of the said Def, nor none other by his or ther ꝓcurement, sythen the receipte of the said ꝑsses, hathe receyved any ꝑte or ꝑcell of the ꝑfetᵗ rysynge wythin the Towne of Lyᵛpole, whiche be demysed & letten to the seyd Compleyn^a^nte.

3. Itm̃, to the thryde Interrogatorie, he saythe, that the said Thomas More hathe kept Courtᵗ wythin the Towne of Lyᵛpole, sythen the receipte of the same ꝑcesse, by the comandement of this Deponente, beynge Mayre ther, & by the consent of the hole Towne.

4. Itm̃, to the iiij^th^ Interrogatorie, he sayethe, that he knowethe not whether Thomas More, or any other ꝑson or ꝑsons, hathe receyved any of the ꝓquesitᵗ or ꝑfettᵗ of the said Courtᵗ, or not.

5. Itm̃, to the v^th^ Interrogatorie, he sayethe, he hathe bothe kepte and causyd to be kepte Courtᵗ wythin the said Towne sythen the receipte of the said ꝑcesse, as all other his ꝓdecessours, beynge Mayres ther, have accustomably used to kepe Courtᵗ, and not otherwise; and further sayethe, y^t^ as all Mayres have used, he hathe comanded the ꝑfettᵗ of the said Courtᵗ to be receyved, and whether any be receyved he knowythe not; and further sayethe, y^er^ is no extreytinge of the said Courtᵗ stayed for thentent to defraude or delay the said S^r^ Richard Molyneux of any ꝑfettᵗ thereof, to his knowledge; and further sayethe, y^t^ ther is no extreytynge stayed of the ꝓquysytᵗ of the said Courtᵗ, to the knowledge of this Deponent.

6. Itm̃, to y^e^ vj^th^ and last Interrogatorie, he saythe, y^t^ he hathe herd by credible reporte y^t^ S^r^ Willm Molyneux, Knt, hade a lease from S^r^ Thomas Holcrofte of the fermshipe and customshipe of Lyᵛpolle, but what is the effect y^r^of he knowythe not, for to his remembrance he hathe not herde nor redde the sayd lease, & what S^r^ Richard Molynex hathe in lease ther he knowythe not.

Roger Walker, of Lyᵛpole, m̃chant, sworne & examyned, deposythe & sayethe, to the fyrst Interrogatorie, y^t^ he hathe befor this tyme receyved Lr̃es of Prevy Sealle, wyth an Injunc̃ion, conc̃ninge the matter now in varyaunce betwix the said S^r^ Richard Molyneux, Knyght, and this Deponente and others, Def.

2. Itm̃, to y^e^ seconde Interrogatorie, he sayeth, that he this Deponent, sythen y^e^ receipte of the said Lr̃es of Prevy Sealle, hathe not receyved any ꝑfettᵗ rysynge wythin the Towne of Lyᵛpole, whiche be demysed & letten to y^e^ said S^r^ Richard Molyneux, and so fer as he knowythe, none of the other Def have receyved any of the said ꝑfettᵗ sythen the receipte of the said ꝑcesse.

3. Itm̃, to the iij^th^ Interrogatorrie, he sayethe, that Thomas More beynge Deputie to S^r^ Willm Norres, Mayre of Lyᵛpole, sythens the receipte of the said Injunc̃con, hath kepte Courtᵗ wythin the Towne of Lyᵛpole, by thassente of this Deponente and the reast of the Def.

4. Itm̃, to y^e^ iiij^th^ Interrogatory, he sayethe, y^t^ he this Deponente, nor Thomas More, nor none other of the Def, to his knowledge, hathe receyved or cause to be receyved any ꝓquesytᵗ or ꝑfettᵗ of the Courtᵗ of the Towne of Lyᵛpole, sythen the receipte of the said Injunc̃con.

5. Itm̃, to the v^th^ Interrogatorie, he sayethe, y^t^ S Willm Norres, Knyght, beynge Mayre of Liᵛpole, hath kepte Courtᵗ in the said Towne of Liᵛpole sythen the receipte of the said Injunc̃con; and further sayethe, y^t^ there is no ꝓquesytᵗ of the said Courtᵗ receyved sythenᵗ the receipte of the sayd Injunc̃con, to the knowlege of this Deponente; and also sayethe, ty here is no extreatᵗ of the sayd Courtᵗ stayed, to the knowlege of this Deponente.

6. Itm̃, to the syxte, and laste Interrogatorie, he sayethe, y^t^ S^r^ Willm Molyneux, Knyght, had a lease of S^r^ Thomas Holcrofte, of the fe fermes & customshipe of Lyᵛpole, but what is the holle content of the sayd lease this Deponent knowyth not.

Thomas

Thomas Secome, of Lyv̊pole, Marchant, sworne & examyned, to y^e^ fyrst Interrogatorie, deposythe & sayethe, y^t^ he hathe receyved the sayd Lr̃es of Prevy Seall, wythe Injuncc̃on, menconed in the sayd Interrogatorie.

2. Itm̃, to y^e^ second Interrogatorie, he sayethe, that he, nor any other of the said Defend, nor none other to his knowledge, hathe receyved nor taken any of the p̊fett̊ rysynge wythin the said Towne of Lyv̊pole, demysed to y^e^ sayd S^r^ Richard Molyneux, sythens the receipte of the sayd Injuncc̃on.

3. Item, to thryde Interrogatorie, he sayethe, y^t^ Thomas More, by the consent of the Deponent & the rest of the Def, hathe kepte Court̊ wythin the sayd Towne of Liv̊pole sythens the receipt of the said Injuncc̃on.

4. Itm̃, to the iiij^th^ Interrogatorie, he sayethe, y^t^ he, nor Thomas More, nor any of the other Def, to the knowledge of this Deponent, have receyved any of the pquesyt̊ or p̊fett̊ of the said Court̊ sythens the receipte of the saide Injuncc̃on.

5. Itm̃, to the v^th^ Interrogatorie, he sayeth, y^t^ whether S William Norres, sythen the receipte of the sayde Injuncc̃on, kepe any Court̊ in Lev̊pole, or not, he cannot depose; and further sayethe, y^t^ S Willm Norres, nor none other to his knowledge, hathe receyved any of the p̊quesyt̊ & p̊fett̊ of the sayd Court̊ sythen the receipte of the said Injuncc̃on, and that they extreat̊, as this Deponent thynkethe, are not stayed to defraud the said S^r^ Richard Molyneux of any p̊fett̊ of the said Court̊.

6. Itm̃, to they vj^th^ Interrogatorie, he sayeth, that he hathe herde saye by credyble reporte that S^r^ Willm Molyneux, and the said S^r^ Richard Molyneux, hade a lease of the Towne and Lordshipe of Lyv̊pole, & other thynges ther; what they be this Deponent cannot depose.

Martin Cumberbache, of Lyv̊pole, Marchant, sworne & examyned deposythe and sayethe, to y^e^ fyrste Interrogatorie, that he befor this tyme receyved the Lr̃es of Prevy Seall, wythe the Injuncc̃on, concernynge the matter in varyaunce betwene the sayd p̊tyes.

2. Itm̃, to y^e^ seconde Interrogatorie, he sayethe, that sythens the recepte of the said Injuncc̃on, he, nor no other to his knowlege, hathe receyved any p̊fet̊ w^th^in the said Towne of Lyv̊pole, which be demysed & letten to S^r^ Ryc̃ Molyneux.

3. Itm̃, to the iij Interrogatorie, he sayethe he sayethe, that Thomas More hathe kepte Court̊ wythin the said Towne of Lyv̊pole sythens the receipte of the said Injunction, beynge Deputy to S^r^ Willm Norres, Mayre of Liv̊pole. (*sic*).

4. Itm̃, to the iiij^th^ Interrogatorie, he sayethe, y^t^ Thomas More, nor no other p̊son or p̊sons to his knowledge, sythens the receipte of the said Injuncc̃on, hathe receyved any of the p̊fett̊ or pquesyt̊ of the said Court̊.

5. Itm̃, to the v^th^ Interrogatorie, he sayeth, y^t^ he thynkethe y^t^ S^r^ Willm Norres, beynge Mayre of Lyv̊pole, hathe kepte on Courte there sythens the receipte of the said Injuncc̃on; and further sayeth, y^t^ y^e^ said S^r^ Willm Norres hath not receyved, nor caused to be received, any of the pquisit̊ of the said Court; and also sayethe, y^t^ the estreat̊ be not stayed to delay nor defraud the said S^r^ Richard Molyneux, and more he knowythe not.

6. Itm̃, to y^e^ syxt Interrogatorie, he sayeth, y^t^ he knowythe nothynge but as he hathe herde by reporte of others, that M^r^ Molyneux had a lease of the fee fearmes of Lyv̊pole.

John Ogle. Rob̃t Shawe.

The foregoing is a true copy of the original, preserved in the office of the Duchy of Lancaster, having been examined therewith.

(signed) *F^k^ Dawes Danvers*, C. C.

Appendix, No. 9.

(No. 32.)

AUTHENTICATED COPY.

E Libro Orders & Decrees Qū: Mary, Lib 1, p. 223.

DECREE between Sir RICHARD MOLINEUX, Kt., and The MAYOR and BURGESSES of LIVERPOOL.

Trinity Term, 2 & 3 Phil. & Mary, A. D. 1555.

DUCHY OF LANCASTER.

E Libro Orders, &c., 2 Mary, Lib. 1. page 223 to 228 (b).

Termi Sce Trinitatis Annis Regnorum Phillippi et Marie secundo et tertio.

Inter Ricm Molineux militem et Willm Molineux ar q et Majorem et Burgenss ville de Liverpoole Defend.

WHEREAS afore this time, Sr Richard Molyneux, of Sefton, in the Countie of Lancaster, Knight, and Willm Molyneux, his sonn, and heire apparante to the said Sr Richard Molyneux, exibit theire Bill of Cōpleint before the Chancellor and Councell of the Duche of Lancaster, in the Duchie Chamber at Westm, and shewed and declared by the same bill that where they were lawfullie possessed for terme of dyverꝭ yeres yet enduring, and by goode and sufficient conveyance in the lawe, amongst other thinges of and in the towne and lordshipp of Lyverpole wth thapprtenancꝭ in the said Countie of Lancaster, and also of and in one boote and passage over the Water of Mercy, and of and in the fleshe shambles there, and also of and in the stallage and tolle of the Marketꝭ and Faires, wth the pquisittꝭ of the Courtꝭ in Lyverpolle aforesaid, and also of and in the Custome, Ankorage and Keytolle of the said Water of Mercy, and of and in all and singular pfittꝭ, comodities and emolymentꝭ comyng and arising wthin the said Towne and Lordship of Lyverpole, yelding and paeng therefore yerelie during the said terme of yeres to o Soveraigne Lord and Ladie the King and the Quene, and to the Heires and Successors of o said Soveraigne Ladie the Quene xiiijli. vjs. viijd., as more plainlie by the lres pattentꝭ thereof made it doth and maye appere, by virtue whereof the said compltꝭ, thissues, pfittꝭ and revenues thereof, had, peaceblie and quietlie pceived and taken, as lawfull it was for them to doe, and shewed forth by their said bill of cōplt, that where of late that one Roger Walker, late Maior of the Towne of Livpole aforesaid, Thomas Secume and John Winstanley, late Bayliffꝭ there, and one Willm. Norres, Knight, than being Maior of the said Towne of Livpole, Martin Cumbbeach and Robt. Corbett, than Bayliffꝭ theare wthowte any colo of title or right, have taken thissues, pfettꝭ and revenues of the pmises, and the same converted to theire owne use, and furthere declared and shewed by theire said Bill, that one usuall seale for the Kinge and Quenes Matꝭ custome belonging to the said cōplte, comenlie called the Cockett Seall, was then casuallie comyn to thandꝭ, custodie and possess of the psouns aforesaid, by reason whereof the said compleyntes were disturbed and defrauded of the pfittꝭ of the said custome wthin the said Lordship of Livpole; and the said psounꝭ have taken the pfettꝭ of the pmises, clayming the inheritaunce of and in the same; and the same converted to their owne use, cōtrarye to right and equitie, and prayed proces owte of this Courte against the said psounꝭ to appear in this Courte, and to make answere unto the matters conteyned in theire said Bill, as by the said Bill remayning in this Courte of Recorde more playnlie at large it doth and may appere; unto wch matters specified in the said Bill the said psonꝭ maide answere in maner and forme followinge: First, the said Thoms Secume for answere to the said Bill, he said that in the month of November then last past, the King and Quenes Matꝭ lres of privie seall directed owte of this Courte were delyvered to him and thother Defend in the said Bill of Compl mencōned, comanding them and joininge them fourth wth upon the sight and recept thereof to leave and forbarre to receive, pceive or take anye thissues, tolles, customes and than after not to intermedle or have to doe wth anye othere thinge or thingꝭ mencōned in the said Bill of Compleint, since wch time as well the said Defendtꝭ as also all others to whom the said Lres were addressed, have obbeyed the same: And the said Thoms Secume furthere said, that as well King John of most worthie memory and alsoe King Henry the Thirde of that name, Edward the First and Richard the Secunde, and dyvers other pgenitors of o said Soveraigne Ladie the Quene, Kingꝭ of England, by their seall lres pattentes under theire great seall of Englond redie to be shewed, have and did graunte to the Burgesses of Lyverpole aforesaid, and to theire successors for evmore, that the same Burgesses, and theire said successors should not onlie have and kepe for evmore the said Towne of Lyvpole, and that the same Towne shulde be a free boroughe for ever, and

and that the Burgesses thereof shold have & injoye all & evy the same like libties & free customes that anye free borough standing by the sea in Englond or Waales than had; and also shuld have & injoye wthin the said Towne a Gylde Marchaunte, wth the hanse and all libties and free customes to the said Gylde apptying; and that none othere than such as were of that Gylde should occupie marchandise wth the said Boroughe but by the consent of the Burgesses of the said Boroughe for the time being; but also the same Burgesses and theire successors should have and injoye for ever wthin the said Borowghe soc & sac and tolle & theam & infanthief, and that throwgh owte all Englond and Waales and the portes of the sea wthin the same; and that the saide Burgesses and theire successors shuld be quiett of and from payeng of tolle, lastage, passage, pontage and stallage; and that they shall make no suyte to the com̃ Courte, netheire elts to the Wapentake, for anye thinge holden wthin the said Borowgh: And that all and evy marchauntf, from what place so ever coming, being in amitie wth the King, awthere having his save cundithe, shulde and might savelie come unto & arrive at the said Borowghe wth there marchandise, and shulde and might tarrye there savelie, and from thense savelie to passe, doing & payeng theare theire customes & othere dewties, as more at large in and by the said lres pattentf reddie to be shewed it might and shuld appere: And the same Kinge Richard the Secunde by his lres pattentf reddie to be shewed, under the great seall of England, dat̃ at Westm̃ the xj daie of June, in the firste yere of his raigne, did furtheremore graunte and by his clire cōfirme, for him, his heires and successors, to the same Burgesses and theire successors, that the same Burgesses and theire successors for evmore shuld and might fullie enjoye and use for evmore wthowte lett or ipedimente of hime, his heirf or successors, justicf; escheitorf, sherifff, bayliffs, or anie othere there ministers, all and evy the said libties, pvelegf, fredomf & customes aforesaid, notwthstandinge nō user, mysuser or abuser of the same as in & by the same last remembred lres pattentf, reddie also to be shewed, shall and maie more at large & more manifestlie appere; since wch time, by force of other the grauntes by like lres had and made since by othere the pgenitors of o^{9} said Sovaigne Ladie the Quene, there have ben and nowe be elected and chosen evy yeare one maior & two bailifff to be and remayne as supme and head officers one holle yeare for the good governaunce of the same Towne and Borowghe, and the inhabitauntf thereof; and the said Thom̃s Secume this Defat furthere saith, by the time whereof the memorie of man is not to the contrarie, the Bailifff of the Towne of Livpole, at the comaundemt of the Maior of the Towne and Borowghe for the time beinge have had and used to have, pceive, receive and take to theire own uses, towardf theire yerelie charges and great expencf by the like officers there for the time being yerely laide owte and bestowed in & aboute the walles of the Towne and Churchyarde towardf the sea, and othere the necessarie defencf for the same Borowghe from the sea, the Tolle, Stallage of Fayres & Markettf, wth the pquisittf of the Courtes of the said Borowgh, and all & evy customes theare and peable for marchandize shipped or discharged, and by the same time have had and used to have one clerke that haith taken the entree of all such goodf and marchandize as have been shipped or discharged there, and by all that time have hadde, used & kepte a seall, comenlie called the Town Seall, wherewth all they have and allwaies did seall the instrumentf and writtingf towching & concernynge the comen and publicke affayres & doingf of the said Borowghe; and all such cōtractf & bargaynf as have or did cōcne the holle bodie thereof, and recognisaunce had and knowledged before the Maiors and Baylifff of the said Towne for the time beinge: And the same Thom̃s Secume furthermore saith, That nether the said Compltf nor anie other having the farme or lease of such the rentf & pfettf as the same Compt claymith to have and enjoye by force of theire said lease in the said Bill of Compt mencioned, at any time or times afore the said lres of injuncc̃on had & obteyned, have had & enjoyed, pceived or taken, or of right ought to have pceive or enjoye in the said Towne or Boroghe of Livpoole, or wthin the liberties thereof, by vertue or force of the said Lease, but onlie the rentf of the said Towne, usuallie called the Fee farme, that is to saie, of evy Burgage there xijd, the ferrybote there upon the water of Mercy, and pfettf thereof, the custome of anchorage and keytolle of all strangers thythere coming, and the flesshambles, and none other customes rightf or dewties comyng, happing or arisinge in the said Towne of Lyverpolle or wthin the libties of the same; all wch & evy of them soe of right dewe to be pceived, had, used or injoyed by the said Cōpltf, by vertue of the said Lease, the said Cōpltf ev & frome time to time hitherto haithe haide, pceived & taken wthowte interrupcō or other lett of this Defend, or by anie othere pson or psouns, by his consent or pcurement; and such of the rest & residewe of the said customes, rightf & pfettf dewe to the said Burgesses and peable to the said Bailifff and head officers of the said Towne of Lyvpole, for the time beinge, the same nowe Defendt in the said Bill of Compleint mencioned being Bayliff thereof, did levie, pceive & receive the same as lawfull was for hime to doe; and the said Thom̃s Secume nowe Def furtheremore saith, that dyvers & sundry lres patentf of the said pgenitors of o^{9} said Sovaigne Ladie the Quene, Kingf of Englond, by force whereof and by wch the said Maior, Bailifff and Burgesses shuld and ought to have, enjoye and use the foresaid libties and dyvs othere libties, pvelegf, pminencf and pfettf not afore herein expressed, and remayne as nowe, owte of there handf wch heth^{9}to they can not atteyne or come by; and furthere, the said Defend travsed the cōtentf of the said Bill of Compt, and the said Robt Corbett, Martyn Cumbbeche and Roger Walker maide evy one of them a sevall answer conteyning the same and like matter, in effect as the said answer of the said Thom̃s Secume above rehersed conteyned, and travsed the matters materyall in ye said Bill of Cōpt mencioned, & the said Sr Willm Norres, Knight, named in the said Bill, maide answer to the said Bill

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of Compt, and said that the said Sr Willm Norres was elected and chosen Maior of the said Towne of Liverpole, and frome the time he was soe elected Maior, he, by Robt Corbett and Martyn Cumbbiche, than Bailiffe of the same Towne, did levie, pceve, receive, and take the said pmisses before rehearsed as belonging to the said Towne, as lawfull it was for hime to do, untill the time that the said tres of injunccon were to hime & the said otheres Defendantes delyvered and furthere made the like answere in effecte as the said Thoms Secume did make, as by there said sevall answeres remayning in this honorable Courte of Recorde more playnlie it doith appere; to the wch said sevall answeres of the said Thoms Secume, and the other Defend aforesaid, the said Complte did replie, wherein they the said Compleynantes did mayntaine theire said Bill of Compleint, in all & evy thinge therein mencioned; and furthere replied and said that theire be dyvs and sundrye matters of recorde remayng in this honble Courte of the Duchie of Lanc before the said Chauncellor & Councell by the wch it doith and maie playnlie and manifestlie appere that the said Complte are lawfullie possessed by virtue of the said demise, & of right ought to possede and enjoye the pmisses wth the apptenancs mencioned in the said Bill of Cōplt, according to the said tres pattents mencioned in the said Bill, and furthere the said Cōplt said, that if there be anie suche ltres pattents as be mencioned in the said answere, yet the same be not materiall or effectuall in the lawe to binde the King and Queenes Mats right and interest, or the estate or interest of the said Cōpleynants in the pmisses or anie pte thereof, nor yet to entitle the said Defend, or anie of them, to the same, in manr & forme as yt is alleged in the said answere; and furthere the said copleynants in theire said replicacon travsed the points & effects materiall in the said sevall answere conteigned. Unto the which repl the said Defend rejoyned, and by the same añred and maynteyned the matters conteyned in theire said answers, and travsed the contents and effect of the said replicacōn whereunto the said pties were at issue; and forsomoche as the tryall of the said issues did stande for the moost pte upon tres pattents and grants of the Kings of Englond made to the Bailiffe and Burgesses of Lyverpolle and upon the Records of the Duchie of Lanc, and upon othere matters of record remayning before the said Chancellor and Councell, and matters in writting reddie to be shewed, therefore the said Defend did praye in this Courte manye dyvse and sundrie times, as well in the termes of Saint Michaell thArchangell last past, as also in this present terme of Easter, that the said matter might be hard & ordered by the said Chauncello^{r} and Councell of this Courte, to the hering and orderinge whereof the said cōplte wth thadvise of the said Chauncello^{r} and Counsell for there pte did agree and consent, and thereupon daie was given for the hiringe of the said matter; at wch daie the said matter was solemlie, fullie and deliberatlie hearde and debated by the Councell of boith the said pties, and all such matters of records, Ltres pattents, grauntes, confirmacons of graunts, awditors rolls, courte rolls and othere writtings wch the said pties shewed to the said Courte were by the said Chauncello^{r} and Councell viewed, harde, redd, understanded and pceived, and upon the hiringe and debatinge of the same, yt appered manifestlie and playnlie to the said Chauncellor and Councell, that the Quenes Matie & her pgenitors, Kings of Englonde, have had the pfetts of the pmisses mencioned in the said Bill of Compt, as in theire right of theire Duchie of Lanc, and have ben yerelie answered of the same contynuallie from time to time since the begining of the raigne of King Henry the vjth, as by dyvs and sundry awditors rolls of thaccompts of the same pmisses and othere good records and writtings shewed to this Courte, and remayning amongest the King & Quenes Mats records of this Courte, it doith and maie appere, and speciallie in one rolle of xxixo. H. vjta, and one othere rolle of xxxijo. Henric vita, & one rolle of the secund yere of Richard the Third, and one rolle of the xiijo. yere of Henry the vijth, wch. were throwghelie redd, pused and understand by this Courte in the hyringe of the same matter; and for that yt appered to the said Chauncello^{r} & Councell that there be the like rolles of thaccompts made concernynge the said pmises, from time to time, to this pnte yere of o^{r} said Sovaigne Lord and Ladie the Kinge and Quene the secund and thirde, as by the same remāying of record amongest othere the records of this Courte it appered, and also for yt. it appered unto the said Chancello^{r} & Councell that theire haith ben maid dyvs and sundrie leases of all and singler the pmises specified in the said Bill of Compleint, particulerlie & speciallie noiated & mēcōned in the said leases, as well by o^{r} said Sovaigne Lorde and Ladie that nowe be, as by the late King of famous memorye, Henry the viijth, King Henry the vijth, King Richard the Thirde, as also of King Edward the iiijth, and evy of the said sevall leases made by the said sevall Kings, as is abovesaid, were made under the seall of this courte, and yerelie rents reserved upon the same leases wch haith ben yerelie answered and paid by the farmours and occupiers of the said Towne of Livpole and othere the pmises, as by the records. accompts and remembrancs remayninge in this courte more playnlie it doith and maie appere; and also for that it appered to this Courte that Xpofer Hoghe, maior of the said Towne, and dyvs othere of the substancyall and honest men than dwellinge and inhabiting wthin the said Towne of Lyverpolle, to the number of xj. psons, did take in lease by indenture the moytie of one halfe of the pmises mencioned in the said Bill of Compt, for terme of certen yeres now expired, of Sr Wm Molyneux Knight, than farmour of the same, as by the same indenture shewed also to this Courte more at large yt doith playnlie appere; and also for that one Edmund Gee, being the chiefe and heade marchaunte & chiefle ruler and governer wthin the said Towne of Lyvpole, did in like manner take in lease of the said Sr Willm Molyneux, Knight, and Richard Molyneux, nowe one of the said compltte, by indenture, bearinge date the xiijth daie of Julie, in the xxxviijth yere of the said late King Henry

Henry the viij^th^, for terme of viij. yeres, w^ch^ ben nowe expired, the other halfe of all and singler the p̄mises conteyned in the said Bill of Compl^t^, w^ch^ indenture was also shewed, pused and understande by this Courte, upon w^ch^ said se^v^all leases last remembered there was certen yerelie rent^s^ reserved, w^ch^ could not be denied by the said Defend^t^, that boith they hadd ben paide according to the said Indentures; and also for that it appered to the said Chancellor and Councell that the said Defend^t^ did shewe certen and auncient lres pattent^s^ and confirmac̄on^s^ made by dy^v^se p̄genitors of the Quenes Ma^tie^ that now is, King^s^ of Englonde, maide to the Burgesses of Ly^v^pole aforesaid, by vertue whereof the said Maior Bayliff^s^ and Burgesses and othere the said Defend^t^, claymed to have dy^v^s of the said p̄fitt^s^, customes and libties mencioned in the said Bill of Complaint; but it appered not to this Courte that the said Maior, Bayliff^s^ and Burgesses of the said Towne had e^v^ any p̄fett^s^ of the p̄mises to theire owne uses, bot that at all tymes the Kinge and Quenes Ma^ty^. that nowe are, and the p̄genitors of o^r^ said So^v^aigne Ladie the Quene, have ben c̄otinuallie and yerelie answered of all the same p̄mises specified in the said Bill as in the right of the said Duchie of Lancaster, for the space & time of a hundreth yeres and more nowe last past, as by the record^s^, Awditors rolles and othere remembraunc^s^ rem̄aying of record in this Courte, as before in this present order is declared, it did manifestlie appere to the said Chauncello^r^ and Councell of the said Duchie of Lancaster; therefore, and for dy^v^s othere consideac̄o̅ns the said Chauncello^r^ and Councell of the said Duchie of Lancaster moving, yt is ordered and decreed by the said Chauncello^r^ and Councell of the said Duchie of Lanc̄ that the said c̄opleyn^a^nt^s^ & their assignes, & all & e^v^y theire deputie or deputies and sarvaunt^s^ & e^v^y of them, from henceforth shall and maie quietlie and peaceblie, at their will and pleasure, have, hold, occupie and enjoye the said Towne and Lordship of Ly^v^pole, w^th^ the ap̄ten^a^nc^s^ in the said Countie of Lancaster, one botte and passage over the Water of Mercy, and also the flesshambles w^th^in the said Towne of Ly^v^pole, and also the stallage and tolle of the m̄kett^s^ and fayres, and also the p̄quisitt^s^ and p̄fett^s^ of the Co̅rtes holden and kepte w^th^in the said Towne of Ly^v^pole, and also the custome, anckorage, and kayetolle of the Watter of Mercy, in the said Towne and Lordship of Ly^v^pole, or appteyning or belonging to the same, w^th^ all the p̄fett^s^ arising, coming or growinge w^th^in the said Towne and Lordship of Ly^v^pole, during all such interest and terme of yeres as they the said c̄opleyn^a^nt^s^ have, in the said Towne and Lordshipp of Ly^v^pole and othere the p̄mises, yet to come and not expired, w^th^owte anie lett, vexac̄o̅n, troble, impedment or interrupc̄o̅n of the said Maior, Bayliff^s^, Burgesses or anie othere person or p̄sons clayming anie fredom or libtie within the said Towne and Lordshipp, or inhabitinge or dwelling w^th^in the said Towne or Lordshippe, or by anie other p̄soun or p̄soun^s^ by his or theire p̄curement, abettement or assent, or by thassent or p̄curement of anie them; and also yt is ordered by the said Chauncello^r^ and Councell that the said Maior, Bayliffes and Burgesses, and othere the inhabitaunt^s^ of the said Towne and Lordshipp of Ly^v^pole, and all othere that be or hereafter shall be officers w^th^in the said Towne and Lordshipp, and e^v^y one of them, shall peacelie and quietlie p̄mitt & suffer the said c̄op^l^t^s^, and eithere of them, theire executors and assignes, and the executors and assignes of eithere of them, to have, holde, occupie and enjoye all and singular the p̄mises, and e^v^y p̄te and p̄cell of the same, and also t̄o p̄mitt & suffer the said C̄op^l^t^s^, and eithere of them, and their executors and assignes, and the executors and assignes of eithere of them, theire servaunt^s^, deputies or officers, and e^v^y of them, to kepe Courtes w^th^in the said Towne and Lordshipp of Lyverpoole, after suche sorte and maner, and in suche place and places as the Co̅rtes w^th^in the said Towne have ben used to be kepte; and also to levie, p̄ceive, receive, gethere and take all and singular the p̄quisitt^s^ and p̄fett^s^ of Court^s^ whate so e^v^ they be, arysinge and growinge by reason of anie Co̅rte kepte w^th^in the said Towne and Lordshipp of Lyverpole; and also that all the sutors and inhabitant^s^ of the same Towne and Lordship, and all othere p̄soun^s^ that owe anie suite to the Co̅rte of the said Towne shall make and doe theire suite and service to the same Co̅rte in such sorte, maner and condic̄o̅n as they and e^v^y of them heretofore have been used and accustomed to the Court^s^ holden and kepte w^th^in the said Towne afore time; and also all and singuler the p̄fett^s^ of the said custome arising and c̄oming by anie mean^s^ w^th^in the said Towne and Lordshipp, as well by all freemen of the same Towne, as also by all forreners, and estrangers whoe so ever they bee, that that shall bringe, transporte or use ennie kynde of marchandise w^th^in the said Towne or Lordshipp of Ly^v^polle or the libties of the same, and also the p̄fett^s^ of the stallage, passage, ankerage, keytolle, p̄fett^s^ of the fayres and markett^s^ w^th^in the said Towne and Lordshipp, and also all and singuler othere p̄fett^s^ whate so e^v^ they be belonging or in anie wise ap̄teyninge to the said Towne of Ly^v^polle, w^th^ the ap̄ten^a^nc^s^ w^th^owte anie lett, vexac̄o̅n, ip̄edim, interrupc̄o̅n or contradicc̄o̅n of the said Maior, Bayliff^s^, Burgesses, or othere the inhabitant^s^ of the said Towne and Lordshippe of Lyverpolle, or by anie othere p̄son or p̄souns by theire c̄omandement, abettement, or assent or anie of them, during all suche terme of yeres as the said compleyn^a^ntes have yet to come, and not expired, of and in the same Towne and Lordshipp of Ly^v^poolle aforesaid; and it is furthere ordered by the said Chancello^r^ and Councell, that the said Maior Bayliff^s^ and Burgesses of the said Towne and Lordshippe, there successors and assigns, and all and e^v^y theire officers w^th^in the said Towne or Lordship of Lyverpoole, and also all and e^v^y othere p̄son and p̄soun^s^ claymynge any libtye or freedom w^th^in the said Towne or Lordshippe of Lyverpolle, and all othere thinhabitaunt^s^ of the same Towne, or libties or franchisses of the same, shall not from hensforth in any wise intermedle w^th^ anie custome, tolle, stallage or any other p̄ffett^s^ arisinge, c̄oming, growing or used heretofore to be taken, received, p̄ceived, used, levied or had w^th^in the said Towne & Lordshipp, or the

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libties or franchises of the same, or anie pte thereof what so ev unto suche time as they shall shewe and pve good and sufficient and also better matter whie and wherefore they ought to have anie maner pffett cominge or arisinge w^th^in the said Towne and Lordsshipp of Lyverpoolle, or the libties or the franchises of the same Towne and Lordshippe, and the same to be so allowed by the said Chauncello^r^ and Councell of the said Duchie of Lancaster, for the time beinge.

Caryll.

The foregoing is a true copy of the original, preserved in the office of the Duchy of Lancaster, having been examined therewith.

(signed) *F^k^ Dawes Danvers,*
C. C.

(No. 33.)

DUCHY OF LANCASTER.

FROM the Book of Leases, 1604 to 1612, fol. 9, b.

Richard Molyneux, Knight. A.D. 1604.

THIS Indenture, made between the Most Excellent Prince and Lord, the Lord James, by the Grace of God King of Scotland, France, and Ireland, Defender of the Faith, &c., of the one part, and Sir Richard Molyneux, Knight, of the other part, witnesseth, that whereas in a certain indenture made between Elizabeth, late Queen of England, of the one part, and Sir Richard Molyneux, Knight, of the other part, bearing date on the 28th day of October, in the 28th year of the reign of the said Lady the Queen, it is mentioned that the aforesaid Lady the Queen by the same indenture did grant, demise, and to farm let to the before-named Richard Molyneux the town and lordship of Liverpool, with the appurtenances in the county of Lancaster, and also one ferry-boat and the passage over the water of Mersey, and the butchers' shambles in the said town of Liverpool, and also the stallage and tolls of the market and fairs, with the perquisites of the courts in Liverpool aforesaid, and also the customs and anchorage, or keiltoll of the water of Mersey, and within the aforesaid town or lordship of Liverpool aforesaid, and one windmill called Acres Mill, and another windmill called Wavertree Mill, within the manor or lordship of West Derby, parcel of the Duchy of Lancaster aforesaid, in the said county of Lancaster, to have and to hold the aforesaid town and lordship, and the rest of the premises, with the appurtenances, to the aforesaid Richard Molyneux and his assigns, from the Feast of St. Michael the Archangel last past before the date of the said indenture unto the end of the term of thirty and one years thence next following and fully to be completed; rendering therefore thenceforth yearly to the afore-named Lady the Queen, her heirs and successors, a certain yearly rent, with divers other covenants, as in the said indenture is more fully contained. Now the afore-named Lord the King, for and in consideration of the good, true, and acceptable service by the afore-named Richard Molyneux, as well to the afore-named Lady the Queen as to the aforesaid Lord the King heretofore done, of his especial grace, and of his certain knowledge and mere motion, hath granted, demised, and to farm let to the afore-named Richard Molyneux the aforesaid town and lordship of Liverpool, with the appurtenances in the county aforesaid, and also the aforesaid ferry-boat and passage over the water of Mersey aforesaid, and the aforesaid butchers' shambles in the said town of Liverpool, and also the aforesaid stallage and tolls of the market and fairs, with the aforesaid perquisites of the courts in Liverpool aforesaid, and also the customs and anchorage and keiltoll of the aforesaid water of Mersey, and within the aforesaid town or lordship of Liverpool aforesaid; and the aforesaid windmill called Acres Mill, and the aforesaid other windmill called Wavertree Mill, within the manor or lordship aforesaid of West Derby aforesaid, parcel of the duchy aforesaid, in the said county of Lancaster: To have and to hold the aforesaid town and lordship, and other the premises, with the appurtenances, to the afore-named Richard Molyneux and his assigns for the term of 41 years, to begin immediately and as soon as the aforesaid term of years to the afore-named Richard Molyneux by the indenture aforesaid made, by surrender, expiration, forfeiture, or in any other manner whatsoever, shall be determined; rendering therefore thenceforward yearly to the aforesaid Lord the King, his heirs and successors, for the aforesaid town and lordship, and also for the aforesaid ferry-boat, with the aforesaid passage over the aforesaid water of Mersey, with the aforesaid butchers' shambles, and for the aforesaid stallage and tolls of the market and fairs, with the aforesaid profits of the courts of Liverpool aforesaid, and also for the aforesaid customs, anchorage, and keiltoll of the aforesaid water of Mersey, within the aforesaid lordship of Liverpool, 14 *l.* 6 *s.* 8 *d.*; and for the aforesaid mill called Acres Mill, 20 *s.*; and for the aforesaid mill called Wavertree Mill, 20 *s.*, of lawful money of England, at the Feasts of the Annunciation of the Blessed Mary, and St. Michael the Archangel, in equal portions yearly to be paid during the term aforesaid; and the aforesaid Richard Molyneux, for himself, his heirs, executors, administrators, and assigns covenanteth and agreeth to and with the afore-named Lord the King, his heirs and successors, that he, his executors, administrators and assigns will well and sufficiently repair, sustain, build, make, and maintain the mills aforesaid, and all and singular other the premises whatsoever, and every parcel thereof, and also all and all manner of repairs whatsoever, and necessaries whatsoever, for, in, and upon the premises, &c., and at the end of the same his term so well &c.; and if it shall happen that the aforesaid yearly rent, or any

parcel

parcel thereof, shall be in arrear, &c., or that this indenture shall not be inrolled within one year, &c., that then, &c. Albeit express mention of the true yearly value, or of the certainty of the premises, or of any of them, or of any other gifts or grants by the said Lord the King, or by any of his progenitors, to the afore-named Richard Molyneux before these times made is not made in these presents, or any statute, act, ordinance, provision, or restriction to the contrary thereof heretofore had, made, published, ordained, or provided, or any other thing, cause, or matter whatsoever, in anywise notwithstanding. In testimony whereof, &c.

Given at his Palace of Westminster, as well under the seal of the said county palatine as under the seal of the Duchy of Lancaster aforesaid, on the 10th day of May, in the second year of the reign of the Lord King James of England, France, and Ireland, and the 37th of Scotland.

By Bill, signed by the hand of the Lord the King.

Enrolled on the 22d day of October, in the year aforesaid. } *Gerrard.*

(No. 33 A.)

By deed of grant under the Sign Manual and the Great Seal of England, and the seals of the Duchy of Lancaster, and of the County Palatine of Lancaster. 9 September 1628, 4 Charles 1.

After reciting that the King was indebted to the citizens and commonalty of the city of London in 229,897 *l.* 2 *s.*, being monies advanced on pressing occasions by the citizens to his late father, King James, and to himself, with interest thereon, and that further advances were to be made by them to the King at the receipt of the Exchequer to the extent of 120,000 *l.*

The said King in consideration thereof, and in order to satisfy and discharge the same, did give and grant to Edward Ditchfield, John Heighlord, Humphrey Clarke, and Francis Mosse, citizens of London, amongst other estates and properties;

> All that our town and lordship of Litherpool, parcel of the honor of Lanc^r^, in the afores^d^ county of Lanc^r^, with all its rights, members, and appūrts; and all that boat and passage over the water of Mersey there and the butcher's shambles in the said town of Litherpool, and also all (the) stallage and tolls of the market and fairs, with the perquisites of the Courts in Litherpool aforesaid, and that all (the) customs, anchorage, and key towle of the water of Mersey aforesaid, and within the afs^d^ town or lordship of Litherpool afs^d^, now or late in the tenure or occupation of Sir Rich^d^ Molyneux or his ass. by a partar thereof ment^d^ to be of the yearly rent or value of 14 *l.* 6 *s.* 8 *d.*, and to be parcel of the lands and possessions of the ancient Duchy of Lanc^r^.

And the said King did give and grant to the said E. Ditchfield, John Highlord, Humphrey Clark, and Francis Mosse, their heirs and assigns;

> All and singular farms, messuages, cottages, mills, houses, edifices, buildings, barns, stables, dove-houses, gardens, orchards, garden grounds, cottages, curtilages, lands, tenements, ponds, fish-ponds, meadows, feedings, pastures, leasowes, commons, demesne lands, customary lands, and glebe lands, assart lands, wastes, furzes, heath grounds, moors, marshes, ways, void grounds, paths, easements, woods, underwoods, coppices, wood lands and trees whatsoever; and all the land, ground, and soil of the said woods, underwoods, and trees, tithes of sheaf, blade, grain, and hay, wool, flax, hemp, and lambs, and all other tithes whatsoever, as well great as small.
>
> And also oblations, obventions, fruits, profits, commodities, wears, rivers, rivulets, waters, watercourses, fisheries, fishings, fowlings, huntings, free foldage, turbaries, scut, sock, multures, free warrens, mines, quarries, portions, rents, revenues, and services, rents-charge, rents seck, rents af assize, rents and services, as well of free as of customary tenants, works of tenants, yearly rents, increased rents, farms, fee farms, annuities, wardships, marriages, escheats, reliefs, aids, heriots, fines, americaments, cert, rents, fines, courts leet, and views of frankpledge, hundred courts, and the perquisites and profits of courts and leets, and all things which to hundred courts and courts leet, and views of frankpledge do belong, or hereafter may or ought to belong, goods and chattels, waived goods and chattels of felons, as well of themselves as of other felons, fugitives, persons outlawed, attainted, condemned, and put in exigent, estrays, deodands, bondmen, bondwomen, and villeins, with their sequels, estovers, markets, and fairs, and the issues of fairs, courts of pie poudre, stallage, tolls, tollage, customs, piccage, emoluments, immunities, acquittances, and hereditaments whatsoever, with all and singular the rights, members, and appūrts whats^r^ of what nature or sort soever, or by whatsoever names they are known, esteemed, called, reputed, or acknowledged, situate, lying, and being, coming, growing, renewing, happening, or arising in or within the lordships, manors, townships, places, fields, parishes, or hamlets aforesaid, or in or within either or any of them, or elsewhere wheresoever, to the said castles, lordships, manors, messuages, lands, tenements, and hereditaments, and other the premes

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by these presents before granted, or to any or either of them, or to any part or parcel thereof in any manner belonging, appertaining, incident append^{t}, or incumbent, or as members, parts, or parcels of the same castles, lordships, manors, messēs, lands, tenements, and herēdits, and other the prēs above by these presents ment^{d}, to be granted, or any or either of them at any time being had, known, accepted, occupied, demised, taken, or reputed.

And the reversion, &c.

And further of his more ample especial grace cert^{n} knowledge and meer motion the s^{d} King did will, and by those presents, for himself, his heirs and successors, did grant to the afs^{d} E. Ditchfield, Jn^{o} Highlord, Humphrey Clarke, and Fra^{s} Mosse, their heirs and assigns, that they the said E. Ditchfield, Jn^{o} Heighlord, Humphrey Clarke, and Francis Mosse, their hīrs and ass. thenceforth for ever might have, hold, and enjoy, and might and should be able to have, hold, and enjoy within the aforesaid castles, lordships, manors, messēs, lands, tenements, and hereditaments, and all and singular other the premises by those presents before granted, and within every part and parcel thereof.

So many, so great, such the same, such like and similar courts leet, views of frankpledge, law days, assize, and assay of bread, wine, and ale, goods and chattels, waived, estrays, goods and chattels of felons and fugitives, felons of themselves, and persons put in exigent, outlawed and convicted, and of other felons whatsoever, deodands, escheates, reliefs, heriots, free warrens, fowlings, huntings, and all other rights, jurisdictions, franchises, liberties, privileges, customs, immunities, acquittances, profits, commodities, advantages, emoluments, and hereditaments whatsoever, as and which, and as fully, freely and entirely, and in as ample manner and form as any Duke of Lancaster, or any other person or persons at any time having, possessing, or being seized of the aforesaid castles, lordships, manors, messuages, lands, tenements, and hereditaments, and other the premises above by those presents granted, or any part or parcel thereof, at any time have or hath had holden, used or enjoyed, or ought to have had holden, used or enjoyed in the premises by these presents before granted, or in any parcel thereof, by reason or force of any charter, gift, grant or confirmation, or by reason of any letters patent by us, or by any of our progenitors or ancestors, late Kings or Queens of England, theretofore had made, granted or confirmed, or by reason or force of any Act or Acts of Parliament, or by reason or force of any lawful prescription, usage or custom heretofore had or used, or otherwise, by whatsoever lawful means, right or title, and as fully, freely and entirely, and in as ample manner and form as we, or any of our progenitors or ancestors, late Kings or Queens of England, had or enjoyed, or ought to have had or enjoyed, the premises by these presents before granted, or any parcel thereof.

And the said King did grant to the aforesaid Edward Ditchfield, John Hoighlord, Humphrey Clarke, and F. Mosse, their heirs and assigns,

All and singular the aforesaid lordships, manors, messuages, lands, tenements and hereditaments, and other the premises above by these presents granted, and every parcel thereof, with all their rights, members and appurtenances as fully, freely and entirely, and in as ample manner and form as all and singular the same premises, or any part thereof, came or ought to have come to our hands, or to the hands of any of our progenitors or ancestors, late Kings or Queens of England, or to the hands of any or either of them by reason or force of any dissolution, suppression, surrender, or release of any or either of the monasteries, abbeys or priories, or by reason of any Act or Acts of Parliament, or by reason of any exchange or purchase, or of any surrender, gift or grant, or by reason of any attainder or forfeiture, or by reason of escheat, or by any other lawful means, right or title whatsoever; and in our hands now are or ought to be, except nevertheless always, and out of this grant our present reserved to us, our heirs and successors, all and singular forests and chases and all parks now used and stocked with deer, and all knights fees, wardships and marriages, and all advowsons, donations, free dispositions and rights of patronage of all and singular rectories, churches, vicarages, chapels, and other ecclesiastical benefices whatsoever within the premises before granted, or any parcel thereof, or to the premises before granted or any parcel thereof, or to the premises, or to either or any of them in any manner belonging, appertaining, incident, appendant or incumbent.

And also except all mines of gold and silver being or to be found within or upon the premises, and all prerogatives to the same mines belonging.

And the reversion and reversions, remainder and remainders.

To have, hold and enjoy the premises (except before excepted) unto and to the use of the said Edward Ditchfield, John Heighlord, Humphrey Clarke, and Francis Mosse, their heirs and assigns in fee farm for ever.

And to hold * * * * * * * and the aforesaid town of Litherpoole * * * * * * * * * with all their rights, members and appurtenances, parcel of the aforesaid Duchy of Lancaster, or to the said duchy mentioned to be annexed, with all the rights, members, and appurtenances of us, our heirs and successors, as of the manor of Enfield in the county of Middlesex, by fealty only, in fee and common socage and not in chief, nor by knight's service in fee farm for ever; and rendering yearly

yearly to us, our heirs and successors, out of and for the aforesaid lordship and town of Litherpool in the same county, with the appurtenances 14 *l.* 6 *s.* 8 *d.* to the hands of our receiver-general of us, our heirs and successors of the aforesaid Duchy of Lancaster, or of the particular receiver of the same premises for the time being, to be paid yearly at the Feasts of St. Michael the Archangel, and the Annunciation of the Blessed Virgin Mary, by even portions for ever, for all other rents, charges, exactions and demands whatsoever, to be therefore to us, our heirs or successors, in any manner rendered, paid or done, the first payment thereof to begin at the Feast of St. Michael the Archangel next following after the date of these presents.

(No. 34.)

AMONG the RECORDS in the Custody of the MASTER of the ROLLS, &c., preserved in the Tower of London; to wit, Patent Roll, 2 Edward 3, part 1, mem. 34.

Of a pavage granted in the town of Liverpool.

A. D. 1328.

THE KING to his beloved the bailiffs and good men of the town of Liverpool, greeting: Know ye, that in aid of paving the said town of Liverpool, we have granted to you that from the day of the sealing of these presents unto the end of the 3 years complete next following, you may take by the hands of those whom you shall depute thereunto, and for whom you shall be willing to answer upon things coming for sale to the same town, the Customs underwritten; that is to say, for every horse-load of corn for sale, of whatsoever kind it may be, or of malt, one farthing; for every horse and mare, ox and cow, for sale, one halfpenny; for every hide of a horse and mare, ox and cow, fresh salted or tanned, for sale, one farthing; for five hogs, for sale, one halfpenny; for ten pigs, for sale, one halfpenny; for 10 sheep, goats, or porkers, for sale, one penny; for 10 fleeces of wool, for sale, one halfpenny; for every hundred of woolled sheep-skins, and skins of goats, for sale, one penny; for every hundred of skins of lambs, fawns, hares, rabbits, foxes, cats, and squirrels, for sale, one halfpenny; for every hundred of greywork, for sale, sixpence; for every quarter of salt, for sale, one farthing; for every horse-pack of cloth, for sale, one halfpenny; for every piece of cloth sold whole, of the value of 40 *s.*, one halfpenny; for every truss of cloths, for sale, brought by cart, three-pence; for every hundred of worsted cloths, for sale, two pence; for every hundred of linen web, for sale, one halfpenny; for every hundred of linen web of Aylesham, for sale, one halfpenny; for every "chef de cendallo afforciato," for sale, one penny; and for other cendal, one halfpenny; for every hundred of salt mullets and dried fish, for sale, two-pence; for every cart-load of sea-fish, for sale, four-pence; for every load of sea-fish, for sale, one halfpenny; for every salmon, for sale, one farthing; for every dozen of lampreys, for sale, one penny; for every thousand of herrings, for sale, one farthing; for every horse-load of ashes, for sale, one halfpenny; for every horse-load of honey, for sale, one penny; for every sack of wool, for sale, two-pence; for every cart-load of bark, for sale by the week, one halfpenny; for every cart-load of lead, for sale, two-pence; for every tun of wine, for sale, two-pence; for every chaldron of sea coal, for sale, one halfpenny; for every hundred of gads of steel, for sale, one halfpenny; for every cart-load of iron, for sale, one penny; for every horse-load of iron, for sale, one halfpenny; for every hundred of horse shoes, and clouts for carts, for sale, one halfpenny; for one hundred weight of averdupois, one farthing; for every weigh of tallow and grease, one penny; for every quarter of woad, for sale, two-pence; for two thousand garlick and onions, for sale, one halfpenny; for every bale of leather, for sale, three-pence; for every hundred of boards, for sale, one halfpenny; for every millstone, for sale, one halfpenny; for every hundred of faggots, for sale, one farthing; for every thousand of turves, for sale, one farthing; for every cart-load of brushwood or timber, for sale, by the week, one halfpenny; for every hundred of tin, brass, and copper, for sale, two-pence; for every truss of any kind of merchandise, for sale, above the value of 10 *s.*, one halfpenny; and for every other thing not here specified, above the value of 2 *s.*, for sale, one farthing. And we therefore command you that you do take the Customs aforesaid until the end of the said 3 years, in form aforesaid, but the term of the said 3 years being completed, the said Customs shall altogether cease and be discontinued. In witness whereof, &c., for the aforesaid three years to endure. Witness the King, at York, on the 7th day of February.

By Writ of Privy Seal.

(No. 35.)

AMONG the RECORDS in the CUSTODY of the MASTER of the ROLLS, pursuant to Statute 1 & 2 Vict. cap. 94, and preserved in the Tower of London, to wit; Patent Roll, 10 Edw. 3, Part 1, Mem. 33, it is thus contained.

Pavage for the men of the town of Liverpool.

A. D. 1336.

THE KING to his beloved the bailiffs and good men of the town of Liverpool, greeting: Know ye, that in aid of paving the said town of Liverpool, we have granted to you, that from the day of the sealing of these presents, to the end of three years next following, and fully completed, you may take by the hands of those whom you shall thereunto depute, and for

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for whom you are willing to answer upon things coming for sale to the same town the under-written customs (that is to say); For every horse-load of corn for sale, of whatsoever kind it may be, or malt, one farthing; for every horse and mare, ox and cow, for sale, one halfpenny; for every hide of a horse and mare, ox and cow, fresh, salted, or tanned, for sale, one farthing; for five hogs for sale, one halfpenny; for ten pigs for sale, one halfpenny; for ten sheep, goats, or porkers for sale, one penny; for ten fleeces of wool for sale, one halfpenny; for every hundred of woolled sheep skins and goat skins for sale, one penny; for every hundred skins of lambs, fawns, hares, rabbits, foxes, cats and squirrels for sale, one halfpenny; for every hundred of grey work for sale, sixpence; for every quarter of salt for sale, one farthing; for every horse-load of cloth for sale, one halfpenny; for every piece of cloth sold whole of the value of 40*s.*, one halfpenny; for every truss of cloth for sale, brought by cart, threepence; for every hundred of worsted cloths for sale, two-pence; for every hundred of linen web for sale, one halfpenny; for every hundred of linen web of Aylesham for sale, one penny; for every "cheff de Cendallo afforciato" for sale, one penny; and of other cendal, one halfpenny; for every hundred of salt mullets, or dried fish for sale, two-pence; for every cart-load of sea fish for sale, fourpence; for every horse-load of sea fish for sale, one halfpenny; for every salmon for sale, one farthing; for every dozen of lampreys for sale, one penny; for every thousand of herrings for sale, one farthing; for every horse-load of ashes for sale, one halfpenny; for every horse-load of honey for sale, one penny; for every sack of wool for sale, two-pence; for every cart-load of bark for sale, by the week, one penny; for every cart-load of lead for sale, two-pence; for every tun of wine for sale, two-pence; for every chaldron of sea-coal for sale, one halfpenny; for every hundred of gads of steel for sale, one halfpenny; for every cart-load of iron for sale, one penny; for every horse-load of iron for sale one halfpenny; for every hundred of horse-shoes and clouts for carts, for sale, one halfpenny; of avoirdupois (that is to say), for an hundred-weight, one farthing; for every weigh of tallow and grease, one penny; for every quarter of woad for sale, two-pence; for two thousand of garlick and onions for sale, one halfpenny; for every bale of leather for sale, threepence; for every hundred of boards for sale, one halfpenny; for every millstone for sale, one halfpenny; for every hundred of faggots for sale, one farthing; for every thousand of turves for sale, one farthing; for every cart-load of brushwood or timber for sale, by the week, one halfpenny; for every hundred of tin, brass and copper for sale, two-pence; for every truss of any kind of merchandise for sale, above the value of 10*s.*, one halfpenny; and for every other thing not here specified, above the value of two shillings, for sale, one farthing. And we do therefore command you, that you take the customs aforesaid until the end of the said three years, in form aforesaid, but the term of the said three years being completed, the said customs shall altogether cease and be determined. In witness whereof, &c. for the aforesaid three years to endure. Witness, the King, at Walsingham, the 16th day of February.

By the King himself.

(No. 36.)

DUCHY OF LANCASTER:

CHANCERY ROLL of the County Palatine of the time of the Dukedom of Henry Duke of Lancaster, A. 3 ([a]), No. 22, dors'.

For the men of Liverpool.

A. D. 1357.

THE Duke to the mayor, bailiffs, and good men of the town of Liverpool, greeting: Know ye, that in aid of paving the town atoresaid, we have granted to you, that from the day of the sealing of these presents unto the end of two years next following, fully completed, you may take in the same town, upon things coming for sale to the same town, the customs underwritten; that is to say, for every horse load of corn for sale, one farthing; for every horse, mare, ox and cow for sale, one halfpenny; for every hide of a horse and mare, ox and cow, fresh, salt, or tanned, for sale, one farthing; for every cart bringing meat, fresh or salted, for sale, one penny; for every hog for sale, one farthing; for two pigs, one halfpenny; for every fresh salmon for sale, before Easter, one halfpenny; for every lamprey for sale, before Easter, one halfpenny; for ten sheep, goats, or porkers for sale, one halfpenny; for ten fleeces for sale, one farthing; for ten woolled skins of sheep, one halfpenny; for ten skins of goats, one halfpenny; for ten skins of stags, hinds, bucks, and does for sale, one penny; for every hundred of skins of lambs, kids, hares, rabbits, cats, foxes, and squirrels for sale, one penny; for every cart-load of salt for sale, one halfpenny; for every horse-load of salt for sale, one farthing; for every whole piece of cloth for sale, one halfpenny; for every hundred of linen cloth, one penny; for every quarter of canvass, one halfpenny; for every quarter of Irish cloth, one penny; for every cloth of silk, with gold of samos, diaper and baudekin, one penny; for every cloth of silk, without gold and skeyl, one halfpenny; for every "chef de cendallo afforciato," one halfpenny; and for other cendal, one farthing; for every cart-load of sea fish for sale, two-pence; for every horse-load of sea fish, one halfpenny; for every tun of wine, two-pence; for every horse-load of ashes for sale, one halfpenny; for every sack of wool for sale, two-pence; for every truss of cloths for sale, brought by carts, three-pence; for every horse-load of cloth for sale, and

of

of divers other small things for sale, one penny; for every cart-load of iron for sale, two-pence; for every cart-load of lead for sale, two-pence; for every horse-load of iron or lead for sale, one halfpenny; for every hundred-weight avoirdupois, one penny; for every weigh of soap and tallow for sale one penny; for every quarter of woad, one penny; for every hundred of allum and copperas for sale, one penny; for every thousand of onions for sale, one farthing; for every horse-load of garlick for sale, one halfpenny; for every thousand of herrings for sale, one halfpenny; for every cart-load of timber for sale, one halfpenny; for every quarter of boards, one farthing; for every thousand of shingles, one farthing; for every hundred of laths, one farthing; for every millstone for a mill, for sale, one halfpenny; for every hand-mill stone, one farthing; for every thousand of nails for roofing of houses, for sale, one penny; for every hundred of horse-shoes and clouts for carts, for sale, one penny; for every thousand of all other kinds of nails, except nails for carts and for roofing of houses, one halfpenny; for every horse-load of bread, for sale, one farthing; for every cart-load of bread, for sale, one halfpenny; for every truss of any kind of any merchandise whatever, for sale, coming to the aforesaid town, and above the value of 5 *s.*, one farthing; for every caldron of iron or brass for brewing, for sale, one farthing; for every horse-load of tan, for sale, one farthing; for every cart bringing faggots or brushwood by the week, one halfpenny; for every dozen of cheeses, for sale, one farthing; for every horseload of butter, one halfpenny. And we therefore command you, that you do take the said Customs until the end of the said two years as is aforesaid; the term, however, of the said two years being completed, the Customs aforesaid shall altogether cease and be done away. In testimony whereof, &c., witness the Duke, at Preston, on the 21st day of April, in the 7th year of the dukedom of the said Duke.

By the Duke himself, and for a fine of 40 *s.*

(No. 37.)

Among the Records in the Custody of the Master of the Rolls, &c., preserved in the Tower of London; to wit, Patent Roll, 5 Richard 2, part 2, mem. 2.

Of a grant of pavage.

A. D. 1382.

The King to his beloved Richard de Aynesargh, Mayor of the town of Liverpool, in the county of Lancaster, and the good men of the same town, greeting: Know ye, that in aid of paving your town, we have granted to you, that from the day of the sealing of these presents to the end of the six years next ensuing and fully completed, ye may be able to take by some trustworthy persons whom ye shall think fit to depute thereunto, and for whom ye shall be willing to answer, upon things for sale coming as well to the said town as to the port of the same, the customs underwritten; that is to say, for every horse, mare, ox, and cow for sale, one farthing; for 40 sheep for sale, one penny; for every cart with corn or any other merchandise for sale, (wools, hides, and woolfells only excepted), one penny; for every horse laden with corn or any other merchandise for sale, one farthing; for every horse load of cloths for sale, one penny; and for every other thing for sale of the value of 20 *s.* not here specified, and coming to the town or the port aforesaid (wools, hides, and woolfells as is aforesaid excepted), one penny; of the value of 10 *s.*, one halfpenny; and of 5 *s.*, one farthing. And, therefore, we command you that you do cause the customs aforesaid to be taken unto the end of the said six years in the form aforesaid, and the monies thence arising to be laid out about the pavage of the town aforesaid, and not to other uses. And the term of the said six years being completed, the said customs shall altogether cease and be taken away. In witness whereof, &c. Witness, the King, at Westminster, on the 14th day of June.

(No. 38.)

Pleas of the Crown before the Justices in Eyre; for Lancashire. 20 Ed^{d} 1st.

20 Edw. 1.

A. D. 1292.

Pleas of the Crown, before Hugh de Cressingham, William de Ormesby, John Wogan, Master John Lovell, and William de Mortimer, Justices in Eyre, in the County of Lancaster, in the Octaves of the Holy Trinity, in the 20th year of the reign of King Edward, the son of King Henry.

Cressingham.

The Township of Liverpool comes by twelve Jurors.

The jurors present that Ralph Balle, of Ireland, did wound with a certain bough, John Uttlagh, in Liverpool, so that afterwards on the third day therefrom he died; and the aforesaid Ralph immediately was taken by the township of Liverpool and carried to the Castle of Lancaster in the time of Henry du Lee, then sheriff, and afterwards by writ of the Lord the King he was delivered on bail until the coming of the now justices. And because Wiliam du Lee, son and heir of the aforesaid Henry, hath not answered of the names of the bail, therefore to judgment in respect of him; and because the same Ralph hath not

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now come and hath withdrawn himself, and is suspected, therefore he is outlawed; he hath no chattels; and because the township of Liverpool had not here the aforesaid bough with which the aforesaid John was slain, therefore in mercy it has made fine.

Concerning wreck of the sea, they say that a certain ship, which belonged to Peter le Poer, was wrecked by tempest of the sea in the port of Liverpool, in a certain place which is called Crossebyschort, and William de Alkmundbury took away some of the goods of the aforesaid Peter, which were wreck of the sea, and detained them to his own use; and it is not known by what warrant; therefore it is commanded to the sheriff that he cause him to come. Afterwards the aforesaid William came, and made fine of half a mark, by pledges of Adam de Tatelok and John de la More, of Liverpool.

(No. 39.)

Among the Records, &c., preserved in the Tower of London, to wit, on the Close Roll, 1 Edw. 3, part 1, mem. 15 dors, it is thus contained:

For the King. Prohibition that none of any religious order do pass out of the kingdom without license.

A. D. 1327.

THE KING, to his beloved and trusty Bartholomew de Burghersh, Constable of his Castle of Dover, and Warden of his Cinque Ports, or to his Lieutenant there, greeting: Whereas, we not being willing that any abbot, prior, friar of the order of friars-preachers, minor, of Mount Carmel, or Saint Augustine, or any other religious person, of whatsoever condition or state he be, do depart out of our Kingdom in these days without our special license, command you not to permit any such religious person to pass out of our same Kingdom by the ports aforesaid without license. Witness the King, at Huntingdon, on the 3d day of April.

By the King himself.

In the same manner it is commanded to the underwritten; that is to say,—

To the Mayor and Bailiffs of Sandwich.
The Mayor and Bailiffs of Romney.
The Bailiffs of Plymouth, &c., &c., and
The Bailiffs of Blakeneye.
The Bailiffs of Whitby.
The Bailiffs of Ravenserod.
The Mayor and Bailiffs of Bristoll.
The Bailiffs of Dunwich.
The Bailiffs of Hastings.
The Constable of the Castle of Dover and Warden of the King's Cinque Ports, or his Lieutenant.
The Bailiffs of Yarmouth.
The Mayor and Bailiffs of Dover.
The Mayor and Bailiffs of Rye.
The Bailiffs of Kingston-upon-Hull.
The Bailiffs of Seaford.
The Bailiffs of Hythe.
The Mayor and Bailiffs of Ipswich.
The Mayor and Bailiffs of Winchelsea.
The Bailiffs of Harwich.
The Bailiffs of Scarborough.
The Mayor and Bailiffs of Southampton.
The Bailiffs of Hartlepool.
The Bailiffs of Weymouth.
The Bailiffs of Bishop's Lynn.
The Bailiffs of Axemouth.
The Bailiffs of the town of St. Botulph.
The Bailiffs of the town of Milford.
The Bailiffs of the town of Wainfleet.
The Bailiffs of the town of Combe Martin, &c. &c. &c.
The Bailiffs of the town of Tynemouth.
The Bailiffs of the town of Harlesbrok.
The Bailiffs of Liverpool.
The Bailiffs of the town of Goreston, &c. &c. &c.

(No. 40.)

Among the Records, &c., preserved in the Tower of London, that is to say, the Scotch Roll of the 7th year of the Reign of King Edward the 3d, membrane 17 dors, it is thus continued:—

For detaining all ships carrying the burden of fifty tons of wine and upwards in port, and causing the same to be fitted out for war.

A. D. 1333.

THE KING, to his beloved and trusty William de Clynton, Constable of his Castle of Dover, and Warden of his Cinque Ports, or his Lieutenant, greeting: Because we have been given to understand that the Scotch, our enemies and rebels, have made, and desist not daily to make confederacies and alliances with men of foreign lands, to vex by war us and our people, as well by sea as by land; We, willing to obviate their malice, and to provide for the safety and defence of our Kingdom and lands, do command you to cause all ships carrying the burden of 50 tons of wine and upwards now being in the ports and other places within your bailiwick, to be detained in those ports and places; and to give warning to all and singular owners of ships of the like burden belonging to the said ports and places, which now are without those ports and places, that they cause the same ships to be brought to those ports and places with all the despatch that may be; and that they cause all such ships to be made ready without delay, and furnished with double provisions, and other things and necessaries for war, so that they be ready and prepared to depart in our service, for the defence of our Kingdom, as by us and our Council shall be ordained, at such time as we shall cause you, or the owners or masters of the said ships, to be advised hereupon. And of the number of such ships now being in the ports and places aforesaid, and of others now absent, do you certify distinctly and openly by your letters with what despatch you may.

And

And this, as you love us and our honour, and the safety of our said Kingdom, do you in nowise omit. Witness, the King, at Tweedmouth, on the 26th day of June. Appendix, No. 9.

By the King himself and the Council.

A like writ is directed to Gilbert de Wygeton, Constable of the King's Castle of Carisbrook, in the Isle of Wight, for providing ships in the ports within the island aforesaid, &c. Witness, as above.

The King, to his beloved the Mayor, Barons, and Bailiffs of the port of Sandwich, greeting: Whereas we have been given to understand, &c., as above, as far as "carrying," and then thus: now being in the same port, to be detained in that port, and to give warning to all and "singular owners of ships of the like burthen belonging to the same port, which now are without the said port, that they do cause those ships to be brought to the said port with all the despatch which may be, &c.," as above, as far as "we shall cause you to be advised hereupon," and then thus: "And of the number of ships now being in the port aforesaid," &c., as above. Witness, as above.

By the King himself and the Council.

Like writs are directed to the underwritten; that is to say,

To the Mayor, Barons, and Bailiffs of the port of Rye.
To the Mayor, Barons, and Bailiffs of the port of Faversham.
To the Mayor, Barons, and Bailiffs of the port of Hastings, &c., &c., &c.
To the Mayor and Sheriffs of London.
To the Bailiffs of the town of Shoreham, &c.
To the Bailiffs of the town of Dartmouth.
To the Bailiffs of the town of Falmouth.
To the Mayor and Bailiffs of the town of Chester.
To the Bailiffs of the town of Liverpool.
To the Bailiffs of the town of Stonore.
To the Bailiffs of the town of Plymouth.
To the Bailiffs of the town of Ravensere.

The King to the Mayor, Barons, and Bailiffs of the port of Sandwich, greeting: Because we have been given to understand that the Scotch, our enemies and rebels, have made, and desist not daily to make confederacies and alliances with men of foreign lands, to vex by war us and our people, as well by sea as by land, we have therefore commanded you to cause all ships carrying the burden of 50 tuns of wine and upwards, now being in the port aforesaid, to be detained in that port, and all other ships of the same burden now absent to be brought back to the same port, with all the despatch that may be, and that you do cause all such ships to be made ready without delay, and furnished with double provisions and other things and necessaries for war, so that they be prepared and ready to depart in our service, for the defence of our Kingdom, at such time as we shall cause you, or the owners or masters of the said ships, to be warned hereupon. And we, taking to heart the expedition of the aforesaid business, send to you our beloved clerk Ambrose de Newburgh, to survey the ships aforesaid, and the provisioning of the same, and to certify us of the number of the said ships, and provisioning of the same, and of all your doings in this behalf, and do you attend to him in the premises, and give full credence to those things which he will tell you on our behalf, and study to give due effect to them as we confide in you. Witness the King, at Tweedmouth, on the 27th day of June.

By the King himself and the Council.

In the same manner it is commanded to the underwritten to attend to the same Ambrose; that is to say,

To the Mayor, Barons, and Bailiffs of the port of Rye, &c., &c., &c.

The King to the Bailiffs of the town of Lynn, greeting: Because we have been given to understand, &c., as above, as far as there,—"We send to you." And then so,—"Our beloved clerk Richard de Glatton to survey," &c., as above. Witness, as above.

By the King himself and the Council.

Similar writs are directed to the underwritten to attend to the same. William (Richard); that is to say,

To the Bailiffs of the town of Blakeneye, &c., &c., &c.

The King to the Bailiffs of the town of Gillingham, greeting: Because we have been given to understand, &c., as above, as far as there,—"We send to you;" and then so,—"Our beloved clerk Adam de Rokesle, to survey," &c., as above. Witness, as above.

By the King himself and the Council.

Similar writs are directed to the under-written, to obey the same Adam; that is to say,

To the Bailiffs of the town of Porchester.
To the Bailiffs of the town of Liverpool.
To the Bailiffs of the town of Stonore.
To the Bailiffs of the town of Plymouth.

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(No. 41.)

AMONG the RECORDS, &c. preserved in the Tower of *London*, that is to say, the Scotch Roll, of the 9th Year of the Reign of King Edward the Third, m. 45, is thus contained.

For providing certain ships of war to meet on the sea a ship sent to the Castle of Dumbretayne from Foreign parts.

A. D. 1335.

THE King to the sheriffs, mayors, bailiffs, masters of ships, mariners, and all others, his faithful people, as well within liberties as without, to whom, &c. greeting. Whereas, we have been given to understand that a certain large ship, laden with wines, armour, and divers other merchandizes, sent to the Castle of Dumbretayne, in Scotland, has now lately arrived at the castle aforesaid in aid and succour of certain of our enemies being there, and has unladed there, which is shortly about to return home, we have assigned our beloved clerk, Edmund de Grymesby, to provide, in the port of the town of Bristol, two ships of war, of the largest and strongest ships being in the same port, and to cause the same ships to be furnished as well with mariners and strong and able-bodied men, well and sufficiently armed, as with other necessaries which they require, and made ready thence to depart without any delay upon the sea, to meet the aforesaid ship in returning home, and the same to pursue, take and arrest, together with the men and goods being in the same ship. And we therefore command you all and every of you, under forfeiture of everything which you can forfeit to us, and strictly injoin you, that you do obey and attend to the same our clerk in the premises, and on some other matters which we have injoined him to express to you, and that you do aid and advise him in those things which may concern the instant expedition of this business when and as the same our clerk shall make known to you on our behalf. And we give to the same our clerk full power to arrest all those whom he shall find obstructing and rebellious to him in this behalf, and the same to hand over to our prison. And we command you, the afore-named sheriffs, mayors, and bailiffs, that those whom the same our clerk shall so deliver over to you, you shall safely keep in our prisons until you shall have from us otherwise in command. In testimony whereof, &c. Witness the King at Rokesburgh, the 7th day of February.

By writ of Privy Seal.

In the same manner are assigned the underwritten; in the ports underwritten, that is to say:

William de Werdall, in the port of the town of Lyverpole, for two ships. Witness as above.

John de Bridgewauter, for two ships, to be provided in the port of the town of Dartmouth. Witness as above.

By the same writ.

(No. 42.)

Pat. 30 Edw. 3, part 2, man. 8.

For arresting ships for the passage of Thomas de Rokeby, the Justiciary of Ireland.

A. D. 1356.

The King, to all and singular admirals and their lieutenants, sheriffs, mayors, bailiffs, ministers and other his faithful people in England and Ireland, to whom &c., greeting; know ye that we have assigned our beloved

Roger del Wych,
John Syward,
John Cruys, and
William Fitz Adam, of Liverpool,

jointly and severally, to take so many ships in the ports of Conway, Beaumareys, Chester, and Liverpool, and the neighbouring places, and also in the parts of Ireland, where they shall deem it expedient, as well within liberties as without, as may suffice for the passage of our trusty and beloved Thomas de Rokeby, whom we have appointed our Justiciary of Ireland, and of other our trusty subjects, about to proceed in his company, to the said parts of Ireland, and to bring them to the port, where it shall happen that the passage of him the said Thomas be ordained, to serve for such his passage, and to be paid for promptly with the monies of the said Thomas; and all such persons as they shall find rebellious and opposing in this behalf, to take and commit to our prisons, in the same to be detained, until we shall think fit to order otherwise respecting them. And therefore we command you that you be aiding, counselling and attentive to the same Roger, John, John, and William, and every of them, in doing and executing the premises, as and whenever they, or either of them, shall make known to you, or any of you on our behalf; in witness whereof, &c. Witness the King at Westminster, on the 20th day of July.

By the King himself.

In the same manner they are assigned for Thomas de Rokeby the nephew, to take so many ships in the port of Furness and the other neighbouring places, as well within liberties as without, as may suffice for the passage of the aforesaid Thomas and the others aforesaid, and to bring them to the port where the passage of the same Thomas shall happen to be ordained in form aforesaid. Witness as above.

By the King himself.

(No. 43.)

AMONG the RECORDS, &c., preserved in the Tower of *London*, that is to say, the Patent Roll of the 35th Year of the Reign of King Edward the Third, part 2, membrane 24, is thus contained.

The announcement of the coming of the Earl of Ulster into Ireland.

A. D. 1361.

THE King to the justice, chancellor, treasurer, and others of our Council in the land of Ireland, greeting. Recalling to memory how our Irish enemies and rebels and others have in great numbers destroyed our faithful people of the land aforesaid, and have wasted their lands and places, and still cease not to do such evils and wrong doings, and, it is feared, much greater will be done in process of time, unless their wickedness be sooner obviated. We have for the cause aforesaid ordained to send our very dear son, Lionel Earl of Ulster, with a competent armed force, to the land aforesaid; and for the recreation and solace of our adherents, and those faithfully assisting us in the said land, we have vouchsafed to send before our beloved clerk, Thomas de Baddeley, on whose fidelity and circumspection we can depend, to announce to you and them news of the coming of our said son, and to excite and charge you on our behalf that the whole navy of the land aforesaid, competently furnished, be sent with all speed to the ports of Liverpool and Chester, and the other ports interjacent, for the passage of our said son to those parts, so that it may be there seven days at latest before the Feast of St. Peter-ad-Vincula next coming, and to investigate and learn from you what things you may see useful and necessary for such his coming, and to report to us, or to cause to be reported by another, your advice concerning all the premises with all the speed you can. And therefore we command you that to the same Thomas in doing and executing the premises, you be attending, advising, and aiding; and do you communicate to him your counsel upon the said business, that he may return to us in England well advised to relate what things you shall so direct to be done, and that our same son, under the Lord's guidance, may more successfully and more providently arrive in the land aforesaid. In testimony whereof, &c. Witness the King at Westminster, on the 10th day of May.

By the King himself and the Council.

(No. 44.)

AMONG the RECORDS in the Custody of the Master of the Rolls, pursuant to stat. 1 & 2 Vict. cap. 94, and preserved in the Tower of *London*, to wit, Patent Roll 25 Edw. 3, p. 1, mem. 18, it is thus contained:

For Henry Duke of Lancaster.

A. D. 1351.

THE King, to all, to whom, &c. greeting. Know ye, that if we, weighing with due consideration the noble bearings of all those who laudably and strenuously have served us in our wars, be desirous of raising them to honours, and rewarding them for their valour, according to their merits, how much more doth it become us to advance with greater honors and favors our cousins, whom we see excelling others as well in wisdom as in noble bearing, and who have stood and may stand us in better stead. Considering, therefore, the strenous goodness and excellent wisdom of our most dear cousin Henry Earl of Lancaster, who yielding to no labor and charges, hath ever shewn himself ready to serve us, and many times in our need intrepidly exposing himself for us to the dangers of war, hath nobly triumphed over our enemies, we do not see how we shall be able to make him a suitable retribution that may honorably record the remembrances of the whole English nation; but, because it is meet such great and valiant deeds should attain the excellence of a more famous name, with the assent of the prelates and nobles assembled in our present Parliament convoked at Westminster, we do impose upon the aforesaid Henry the name of Duke of Lancaster, and presently do invest him with the name of Duke of the said place by girding of the sword. And since it is becoming that addition of honor and advantage should accompany excellency of name, we have granted with cheerful heart, for us and our heirs, unto the aforesaid Duke, that he for the whole of his life may have within the same county his chancery, and his writs to be sealed under his seal to be deputed for the office of the chancellor, his justices to hold as well pleas of the Crown as all other pleas whatsoever touching the common law, and the cognisance thereof, and all manner of execution to be made by his writs and his ministers there, and all other liberties and *jura regalia* pertaining to a Count Palatine, as freely and entirely as the Earl of Chester is well known to obtain within the same county of Chester (saving always the tenths and fifteenths, and other contributions and subsidies granted and hereafter to be granted to us and our heirs by the commonalty of our realm, and the tenths and other contributions granted and hereafter to be granted to us by the clergy of the same our realm, or imposed and to be imposed upon the same clergy by the apostolic see; and the pardon of life and limbs in case that any person of the same county, or other person in the same county, ought for any delict to lose his life or limb; and also the superiority and power of correcting those things which shall have been erroneously done there in the courts of the same Duke, or if the same Duke or his ministers shall have failed in doing justice there also in the courts of the same Duke). And it is our intention that the same Duke, at the mandates of us and our heirs, be held to send to our Parliaments and Councils two knights

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sor the commonalty of the shire aforesaid, and two burgesses from every borough of the same shire, to treat with the others of the commonalty of our said realm coming to the same parliaments and councils concerning the affairs of our said realm in the same parliaments and councils to be declared. And that the same Duke shall assign certain trusty and sufficient men for the like tenths and fifteenths, subsidies, and other contributions, so often as they shall happen to be granted to us or our heirs in parliament or council; so that we and our heirs may by them be answered in respect of such grants. In witness whereof, &c. Witness the King, at Westminster, on the sixth day of March.

(No. 45,)

(Record Book, No. 3, pa. 688.)

CORONER'S INQUISITION.

Richard Peircivall Maior 1659.

Liverpool (L.S.)

Robt Greene, drounded.

INQUISICON taken at Liverpoole in the countie of Lanc[r] on Fryday the 7th day of October 1659 before Thomas Blackmore Ald[r]man of Liverpool and Coroner within the lymitts and p[r]cincts of y[e] said Burow after y[e] death of Robert Greene Dec̃ late Corporall of Maior Boultons Troope &c.

A. D. 1659.

The Jury for the Keepers of the libties of England by Authoritie of Parliam[t] upon their Oathes doe p[r]sent that the above named Robt Greene the sixt day of October in the yeare of o[r] Lord 1659 about ten of y[e] Clock in the forenoone of the same day being on Horseback and goeing towards Chester at a certaine place on Chesheire syde of y[e] River of M[r]cie called Birket Poole in y[e] usuall place of the same roade hee entered into the Poole the Water being deepe by reason of y[e] tyde and his horse plunged inn and haveing lost his footeing hee turned severall tymes about in the Water and then they both sunck downe and for some tyme were und[r]water then the horse came up and landed on the further syde but the said Robt Greene was then and there by accident misadventure and misfortune drounded and found lying there dead in the bottom being left by the tyde ebbing neere the place where hee entered into y[e] Poole.

Thomas Blackmore Coron[r].

Henry Corles, William Jameson, Thomas Hewett, Richard Crompton, Randle Dawson, Richard	sworne.	Thomas Nicholson, Henry Robinson, Edward Horrobine, Thomas Andoe, Thomas Chapman, Thomas Mosse,	sworne.

(No. 45 *a*.)

1567: Watter Balie.

ITM.—We fynd that the Watter Balie shall have the kealtolle of all straungers, accordyng as it was of old custome.

(No. 45 *b*.)

A. D. 1567.

IMPRIMIS.—We find that every Bark Pickard or Boat as well of Wallazey Formby as elsewhere shall pay all custom and anchorage with all other duties belonging to this town.

(No. 45 *c*.)

A. D. 1571.

ITEM.—We fynd it necessarie and agreeable to the lawies of this Realmes That all Marchindizes comyng or beying brought to this Towne or that shall passe this Towne and Port of Liverpole into and for Ireland or els whither soever to any other place, shalbe entried into the Custum[r]ie Booke of this by the Custum[r] or by his Clercke tyme beying to and for the tounes use. And in default and want of manyfest Entrie made, and to be made of such Goods and M'chundyzes lesse and mor all and everie suche Goods Wares and Marchundizes what soever it or they be and shalbe fond unetred and not in the Custum[r]ie Booke of this Toun and Port aforsayed to be forfetted and levied, orderlie to the use of this Towne and Comyn Treso[e] of the same. And that the Custum[r] or his Clercke and Collector of the sayd Custums for the tyme beying shall furthwith upon knowledge had, sease or cause the sariant of this Towne or water balie, to staye and sease all and everie such goods Wars and Marchaundizes not entried in the Custome book as forfett Wars, and take and put all the same in to the Comyn ware howse of this Towne or in to some other sure and saffe custodie as occasion shall require: and the same to be forthcoming to the Townes use: upon demand and commandment thereof upon payne.

(No. 45 *d*.)

ITEM.—Wee agree that all Pickards and Boats comyng into this Port and River intendyng to goe up to Weryngton or Fradsham or any other Creeke within this Port of Liverpooll and thereto belongyng shall make theire entrie and paye Keyle Tolle, ancarage and custom to Mr. Maiors Collector apoynted Town Customr in payne of forfeture of such Pickard or Boat and they Goods in them loadyn. 1572.

(No. 45 *e*.)

IT is also ordered that all boats which shall load in Bootle Bay or elsewhere upon the river do pay toll. A. D. 1584.

(No. 45 *f*.)

IMPRIMIS.—We agree that everie Ownor of anie Shippe, Barque or other Vessell shall enter his said ship, Barque or Vessell with the Townes Customer of this Towne for ye tyme beinge both oute gate and ingate, and shall geve a true Invoice of all such Goods stuffe and Mrchaundiz as are aborde evrye or anee suche shippe, barque or vessele and of such as are not free in paine of viijd to be levied on every such as shall be founde desertin therein for every offence &c. . . . . A. D. 1594.

(No. 45 *g*.)

LIVERPOOLE, Ss.—Att an Assembly holden in the Townhall the daye and yeare above said by the Worshippfull John Sturzaker Maior Aldermen, Baylives and Comon Councele there assembled It is Ordered that Mr Maior with such others as he shall take to his assistance may treat with some of the Officers of the Custom House of this Port to receive with his Mats Customes the Custome belonging to this Towne for all Cattle Horses Sheep &c exported and brought hither out of Ireland; And to give or allow what Sallary for receiving the same Mr. Maio shall think meet and if such Officer of his Mats Customes here shall refuse or not be welling to receive the said Towne's Custome That then Mr Maior &c may treat with John Brooks of Birckett to receive the same for such Cattle &c as are landed on Cheshire side within the libties of this Towne and give him such allowance as he shall think meet: And also ordered that all the Arrears of a Church ley taxed in Mr Stanleyes' Maioralty on Foreigne Freemen be forthwith demanded and on refusall or not payeing the pties so refusinge or not payeing according to Clause of their Oath in that behalfe to be respectively disfranchised. A. D. 1664.

(No. 45 *h*.)

The Boundaries of Liverpoole.

THE Perambulacon is from the Water Street end to Beatons Gutter, on the N— of Liverpoole, thence to the Grove and the Meyre stone in Mr Moore's mead—thence to Kirkdale Lane to the Meyre stone there, over against the beakon th— to a meyre stone in Syre's ditch adjoining to the Breck thence through ——, thence through sev'all closses to a meyr stone up Everton Cawsey, thence several fields to Liverpoole Comon, and soe after the Comon side to the meyr stone at Johnson's field end on the east side of the Towne, and soe up the Guttar or —— to the Moss lake to a place called Hollin Hedge, and thence straight to the Park Wall and all along the Parke Wall and through two crofts to Booth's Mill, and soe to the sea side and all along the sea side over the Poole and thence along the sea side to Water street end.

Our liverty at sea to arrest within the flood mark is on both sides the river of Mersey as far upwards as the same fflowes with custome or toll on either side of the River with other usuall privileges of the River.

RECORDS, No. 2.—Receipt of Customs and Tolls.

Items of Receipt.	1571–2.	1572–3.	1573–4.	1574–5.	1579–80.	1580–1.	1581–2.	1582–3.	1583–4.	1584–5.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Towns Customs — Ingate	B. 5 7 5	4 15 – ½	5 5 3	2 3 3	18 2 7 ½	25 19 11	17 9 3	B. 3 11 –	B. – 16 8	B. – – 3 ½
Towns Customs — Outgate		4 16 2			4 7 3 ½	—				
Toll corn	Account balanced.	No account	2 13 4	1 2 2	No account	B. 1 – 11	No account	B. – 11 11	B. – 4 –	B. – 10 –
Hallage — Ingate										
Hallage — Outgate										
Tolls — Ingate	No account	And corn toll, 10 6 6	1 12 –	2 3 8	6 6 7 ½	22 7 5 ½	– 1 6	B. 2 – 1 ½	B. – 12 6	B. 1 9 7
Tolls — Outgate										
Foreign carts and waynes	No account	No account	– 2 8	No account	No account	– – –	– – –	No account	No account	—

Items of Receipt.	1585–6.	1586–7.	1587–8.	1589–90.	1590–1.	1591–2.	1592–3.	1593–4.	1594–5.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Towns Customs — Ingate	32. 8 10	26 13 6 ½	21 14 –	19 13 11	19 19 3	And corn money, 21 15 –	12 12 2	13 5 –	15 1 2 ½
Towns Customs — Outgate				– – –	7 6 1		3 9 9	5 4 9	6 11 8
Toll corn	– – –	– – –	– – –	3 4 11	7 6 8	– – –	3 12 5	4 6 2	7 19 7
Hallage — Ingate	2 18 4	2 13 10	3 17 2	– – –	19 17 7 ½	14 3 6	12 14 4	13 10 1	13 10 8
Hallage — Outgate							2 17 5 ½	3 13 3	4 3 2
Tolls — Ingate	– 2 8	5 11 7	4 12 2 ½	B. – – 6	7 17 8 ½	6 19 10 including stallage.	5 17 1	6 18 3	9 14 10
Tolls — Outgate						– 12 –	No account		
Foreign carts and waynes	– – –	– – –	– – –	– – –	– – –	1 – –	—		
Licence	– – –	– – –	– – –	– – –					

Items of Receipt.	1595–6.	1596–7.	1597–8.	1598–9.	1599–1600.	1600–1.	1601–2.	1602–3.	1607–8.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Towns Customs — Ingate	11 11 10	6 3 – ½	4 11 8	14 5 5	2 5 5	1 12 6	5 1 11 ½	6 19 9	7 14 5
Towns Customs — Outgate	4 17 4	2 19 9	2 10 1		4 16 2	5 10 9	4 2 – ½	8 4 10	3 12 7
Toll corn	8 13 7	11 2 9 ½	13 19 –	– – –	6 13 10	10 6 6	6 6 –	7 19 1	7 13 –
Hallage — Ingate	8 8 6 ½	4 7 –	2 18 11 ½	6 9 8	1 9 4 ½	1 5 8	5 1 7	6 17 2	5 10 4 ½
Hallage — Outgate	3 12 5	2 3 11	2 6 7 ½		4 2 5 ½	4 10 10	2 10 11 ½	4 13 4	2 – 6 ½
Tolls — Ingate	6 15 2	6 17 –	5 9 9	4 2 4	4 6 5 ½	4 5 1	4 15 11	4 17 6	5 8 3
Tolls — Outgate									
Foreign carts and waynes	—								
Licence									

RECORDS, No. 2.—Receipt of Customs and Tolls—*continued.*

ITEMS OF RECEIPTS.	1608–9.	1609–10.	1610–11.	1615–16.	1616–17.	1619–20.	1620–21.	1622–3.	1623–4.	
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Towns Customs - Ingate	9 19 5	9 3 4	11 11 2½	14 11 5	20 15 –	25 14 3½	27 9 –	42 10 11½	18 14 7½	
Towns Customs - Outgate	4 1 –	3 2 3½	3 16 –	5 4 9	3 7 11½	3 5 9½	3 11 5½	5 4 2	4 18 11	
Toll corn	7 14 2	6 7 3	6 6 2	7 9 8	10 17 4	6 5 4½	5 2 3	17 14 –	12 6 –	
Hallage - Ingate	6 15 8	8 6 –½	7 11 11½	7 3 5	8 17 9½	11 19 2½	8 12 6½	5 8 7	9 – 6	
Hallage - Outgate	2 4 4	3 – 5	2 12 8	1 1 8½	1 3 3	– 12 7½	– 12 2	1 10 1	1 12 3	
Tolls - Ingate	6 2 1	4 – 7	4 10 9½	6 1 9	5 4 9	5 3 5	4 14 8	5 8 11	8 8 11	
Tolls - Outgate										
Foreign carts and waynes	—									
Licence money	4 14 9	- - -	- - -	12 13 5	5 3 6	10 12 –	9 9 –	11 9 –	23 2 4	
Composition	- - -	- - -	- - -	- - -	- - -	11 – –	—			

Note.—Where the letter B is placed the balance only appears.

For those years which are not entered above, viz., 1575-6-7-8, 1588, 1603-4-5-6, 1611-12-13-14-17-18, 1621, no audits appear.

RECORDS, No. 3.

ITEMS OF RECEIPT.	1624–5.	1627–8.	1628–9.	1629–30.	1645–6.	1646–7.	1649–50.	1651–2.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Towns Customs - Ingate	25 2 10½	55 2 2¾	30 16 –	20 3 –½	24 2 1	13 3 4	7 6 9	7 11 3
Towns Customs - Outgate	9 16 4	13 7 2	6 5 11½	5 6 2	1 11 5	3 11 9	5 – 7	
Toll corn	7 6 10	7 19 8	From this time the toll corn was allowed to the mayor and bailiffs in lieu of the estreats, they to collect the toll themselves. *See* pages 59 and 95.					
Hallage - Ingate	11 – –¼	23 3 –¾	14 16 6½	7 5 6¼	1 9 7	3 16 6	4 2 7	– 14 7
Hallage - Outgate	2 14 9	4 14 9½	1 17 11½	– 11 11½	– 14 5	1 15 3		1 18 3
Tolls - Ingate	10 14 6¾	11 10 7	9 5 6	10 – –	9 17 7	11 17 2		
Tolls - Outgate								
Foreign carts and waynes	- - -	- - -	- - -	- - -	- - -	- - -	11 18 10	4 8 8
Stallage	2 3 –	2 3 –	2 3 –	2 3 –	2 6 –	1 11 –		
Licence money	25 13 –	27 9 4	6 18 9	5 17 –	2 13 –	4 2 2	- - -	6 15 10
Composition	- - -		5 3 –	21 15 –	22 15 7	41 3 –	19 16 6	7 5 3
Butlerage	- - -	- - -	- - -	- - -	70 17 –			13 10 –
Burgage rents	- - -	- - -	- - -	- - -	6 10 7	11 9 10	- - -	11 2 10
Ferry boats	- - -	- - -	- - -	- - -	13 – –	Abated - -	14 – –	5 – –
Waifs and strays	- - -	- - -	- - -	- - -	- - -	- - -	7 13 5	—

RECORDS, No. 3—*continued*.

ITEMS OF RECEIPT.	1652–3.	1653–4.	1654–5.	1656–7.	1657–8.	1662–3.	1663–4.	1664–5.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Towns Customs — Ingate	6 19 2	This year's accounts are not particularised, but entered in one gross sum.	7 18 2	In this year's audit the accounts are not particularised, but entered in one gross sum.	8 6 1	20 5 11	50 14 5	Customs and hallage, and licence, and composition, 101 13 10
Towns Customs — Outgate					2 19 10			
Hallage — Ingate	13 5 –		1 6 9		2 8 4	15 4 4		
Hallage — Outgate			2 16 9		– 15 –			
Tolls — Ingate	14 13 4				8 18 9	12 2 9	11 13 2	11 6 –
Tolls — Outgate					4 13 – ½			
Foreign carts and waynes	– – –	– – –	11 12 –	– – –	– – –	– – –	– – –	18 6 6
Stallage	– – –	– – –		– – –	– – –	– – –	19 16 6	—
Licence money	– – –	– – –	– – –	– – –	– – –	– – –	5 19 –	—
Composition	10 6 9	– – –	10 13 2	– – –	This audit is incomplete.	– – –		
Butlerage								
Burgage rents	12 3 7	– – –	12 1 4	—				
Ferry boats	14 – –	– – –	12 5 –	—				
Waifs and strays	—							

ITEM OF RECEIPT.	1665–6.	1666–7.	1667–8.	1668–9.	1669–70.	1670–1.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Towns Customs — Ingate	42 1 10	31 17 5	36 15 3 ½	– – –	65 5 8	53 16 3
Towns Customs — Outgate				65 11 5		
Hallage — Ingate	29 2 10	23 9 4	32 14 8 ½	– – –	11 – 7	12 17 8 ½
Hallage — Outgate						
Tolls — Ingate	9 9 2	8 19 2	7 14 9	12 – 2	20 4 10	20 3 8
Tolls — Outgate						
Stallage	18 15 –	19 11 8	20 16 4	21 4 –	—	
Foreign carts and waynes	– – –	– – –	1 9 4	—		

Items of Receipt.	1671–2.	1672–3.	1673–4.	1674–5.	1675–6.	1676–7.	1677–8.	1678–9.	1679–80.	1680–1.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Towns Customs - {Ingate - - - / Outgate - - -}	57 1 7	60 17 6	- - - / 182 5 5	- - - / 172 11 3	- - - / 117 11 10	105 15 10	100 19 3	129 18 –	103 4 5	120 13 4
Hallage - {Ingate - - - / Outgate - - -}	- - - / - - -	- - - / - - -	- - - / - - -	- - - / - - -	- - - / - - -	No account.	No account.	No account.	4 3 4	No account.
Tolls - - {Ingate - - - / Outgate - - -}	18 11 4	19 8 10	20 10 8½	15 2 8	15 – 7	11 16 8	10 16 4½	11 17 11½	11 3 5½	7 15 2
Foreign carts and waynes - - -										

Items of Receipt.	1681–2.	1682–3.	1683–4.	1684–5.	1685–6.	1686–7.	1687–8.	1688–9.	1689–90.	1690–1.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Towns Customs - {Ingate - - - / Outgate - - -}	97 9 7	119 14 6	145 2 10	165 11 5	191 17 10	177 14 8	162 3 10	133 7 3	80 – – on account.	213 8 8
Hallage - {Ingate - - - / Outgate - - -}	5 – – for the Towne Hall.	No account.	6 17 10	No account.	No account.	No account.	No account.	In this year 4 *l.* rent is received for the Townes Warehouse, and no further receipt of hallage ever appears.	—	
Tolls - - {Ingate - - - / Outgate - - -}	6 10 1	5 4 4	7 15 8	7 12 9	13 5 –	11 14 –	4 6 9	2 16 9	4 2 –	12 1 –
Foreign carts and waynes - - -										

Items of Receipt.	1691–2.	1692–3.	1693–4.	1694–5.	1695–6.	1696–7.	1699–1700.	1700–1.	1701–2.	1702–3.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Towns Customs - {Ingate - - - / Outgate - - -}	201 – 2½	166 15 2½	198 4 9½	143 – 7¾	233 3 10	190 4 6¾	240 1 9	240 – 3	254 12 7	225 3 –½
Tolls - - {Ingate - - - / Outgate - - -}	10 9 5	8 18 11	5 14 3	3 2 –½	4 5 –	8 10 –	8 10 –	15 – 1¼	Let at 14 – –	13 5 –
Foreign carts and waynes - - -										

Appendix, No. 9.

(No. 47.)

In the Queen's Bench.

Corporation of Liverpool *v.* Bolton and Others.

Office Copy Judgment Roll.

Pleas before our Lord the King at Westminster, of the Term of St. Michael, in the First Year of the reign of our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the Year of our Lord One thousand Eight hundred and Thirty.

Witness, *Charles Lord Tenterden*,
Roll, 3,053.

In the King's Bench.

Michaelmas Term, in the First Year of the reign of King William the Fourth.

Witness, *Charles Lord Tenterden.*

Middlesex to wit,—The Mayor, Bailiffs, and Burgesses of the town of Liverpool, in the county of Lancaster, put in their place William Statham, their attorney, against Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson, in a plea of trespass on the case.

Middlesex to wit,—The said Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson, put in their place Henry Lowe, their attorney, at the suit of the said Mayor, Bailiffs, and Burgesses of the town of Liverpool, in the county of Lancaster, in the plea aforesaid.

Middlesex to wit,—Be it remembered, that in Trinity Term last past, before our Lord the King at Westminster, came the Mayor, Bailiffs, and Burgesses of the town of Liverpool, in the county of Lancaster, by William Statham, their attorney, and brought into the court of our said Lord the King, before the King himself then there, their certain bill against Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson, being in the custody of the Marshal of the Marshalsea of our Lord the now King, before the King himself of a plea of trespass on the case upon promises, and there are pledges for the prosecution thereof, to wit, John Doe and Richard Roe; which said bill follows in these words, that is to say: Middlesex to wit,—the Mayor, Bailiffs, and Burgesses of the town of Liverpool, in the county of Lancaster, the plaintiffs in this suit, complain of Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson, the defendants in this suit, being in the custody of the Marshal of the Marshalsea of our Lord the King, before the King himself, For that whereas heretofore, to wit, on the Fourth day of June in the year of our Lord One thousand Eight hundred and Thirty, at Westminster, in the county of Middlesex, the said defendants were indebted to the said plaintiffs in the sum of Five hundred pounds of lawful money of Great Britain, for so much money then due and payable by the said defendants to the said plaintiffs for tolls, duties, and customs for and in respect of divers goods, wares, and merchandise by the said defendants before that time imported into the port of Liverpool aforesaid; and being so indebted, they, the said defendants, in consideration thereof afterwards, to wit, on the day and year aforesaid, at Westminster aforesaid, in the county last aforesaid, undertook, and then and there faithfully promised the said plaintiffs to pay them the said sum of money when they the said defendants should be thereunto afterwards requested. And whereas also afterwards, to wit, on the day and year aforesaid, at Westminster aforesaid, in the county last aforesaid, the said defendants were indebted to the said plaintiffs in the further sum of Five hundred pounds of like lawful money for so much money then due and payable by the said defendants to the said plaintiffs for certain tolls, duties, and customs for and in respect of divers other goods, wares, merchandise by the said defendants before that time exported from the said port of Liverpool, and being so indebted they, the said defendants, in consideration thereof afterwards, to wit, on the day and year aforesaid, at Westminster aforesaid, in the county last aforesaid, undertook, and then and there faithfully promised the said plaintiffs to pay them the said last-mentioned sum of money when they, the said defendants, should be thereunto afterwards requested. And whereas also, the said defendants afterwards, to wit, on the same day and year aforesaid, at Westminster aforesaid, in the county last aforesaid, accounted with the said plaintiffs of and concerning divers other sums of money from the said defendants to the said plaintiffs before that time due and owing, and then in arrear and unpaid; and upon that accounting the said defendants were then and there found to be in arrear and indebted to the said plaintiffs in the further sum of Three hundred pounds of like lawful money; and being so found in arrear and indebted they, the said defendants in consideration thereof afterwards, to wit, on the same day and year aforesaid, at Westminster, in the county last aforesaid, undertook, and then and there faithfully promised the said plaintiffs to pay them the said sum of money last mentioned whenever

ever afterwards they the said defendants should be thereunto requested, yet the said defendants not regarding their said several promises and undertakings so by them in manner and form aforesaid made, but contriving and fraudulently intending craftily and subtilly to deceive and defraud the said plaintiffs in this respect, have not yet paid the said several sums of money, or any part thereof, to the said plaintiffs, although the said defendants afterwards, to wit, on the same day and year aforesaid, and often times afterwards, at Westminster aforesaid, in the county last aforesaid, were requested by the said plaintiffs to pay them the same; but the said defendants to pay the same, or any part thereof, have hitherto altogether refused, and still do refuse, to the damage of the said plaintiffs of One thousand pounds, therefore they bring their suit, &c. And now, at this day (that is to say), on Saturday next after the morrow of All Souls in this same term, until which day the said defendants had leave to imparl to the said bill, and then to answer the same, &c.; at which day, before our said Lord the King at Westminster come as well the said plaintiffs by their attorney aforesaid, as the said defendants, by Henry Lowe, their attorney, and the said defendants defend the wrong and injury, when, &c., and say that they did not undertake or promise in manner and form as the said plaintiffs have above thereof complained against them, and of this, they the said defendants put themselves upon the country, &c.; and the said plaintiffs do the like; therefore, let a jury thereupon come before our Lord the King at Westminster, on Monday next, after fifteen days of St. Martin, in this same term, by whom, &c., and who neither, &c., to recognise, &c., because as well, &c., the same day as given to the parties aforesaid at the same place; at which day, before our said Lord the King at Westminster come the parties aforesaid by their respective attornies, and the sheriff hath not sent the writ of our said Lord the King to him in that behalf directed, nor hath he done anything thereupon; therefore, as before, let a jury thereupon come before our said Lord the King at Westminster, on the Eleventh day of January One thousand Eight hundred and Thirty-one, by whom, &c., and who neither, &c., to recognise, &c., because as well, &c., the same day is given to the parties aforesaid, at the same place; at which day before our said Lord the King at Westminster come the parties aforesaid, by their respective attornies, and the sheriff hath not sent the writ of our said Lord the King to him in that behalf directed, nor hath he done anything thereupon; therefore, as before, let a jury thereupon come before our said Lord the King at Westminster, on the Fifteenth day of April One thousand Eight hundred and Thirty-one, by whom, &c., and who neither, &c., to recognise, &c., because as well, &c., the same day is given to the parties aforesaid, at the same place, at which day before our said Lord the King at Westminster come the parties aforesaid, by their respective attornies, and the sheriff hath not sent the writ of our said Lord the King to him in that behalf directed, nor hath he done anything thereupon; therefore, as before, let a jury thereupon come before our said Lord the King at Westminster, on the Twenty-third day of May One thousand Eight hundred and Thirty-one, by whom, &c., and who neither, &c., to recognise, &c., because as well, &c., the same day is given to the parties aforesaid at the same place, at which day before our said Lord the King at Westminster come the parties aforesaid, by their respective attornies, and the sheriff hath not sent the writ of our said Lord the King, to him in that behalf directed, nor hath he done anything thereupon; therefore, as before, let a jury thereupon come before our said Lord the King at Westminster, on the Second day of November One thousand Eight hundred and Thirty-one, by whom, &c., and who neither, &c., to recognise, &c., because as well, &c., the same day is given to the parties aforesaid, at the same place; at which day before our said Lord the King at Westminster come the parties aforesaid, by their respective attornies, and the sheriff hath not sent the writ of our said Lord the King to him in that behalf directed, nor hath he done anything thereupon; therefore, as before, let a jury thereupon come before our said Lord the King at Westminster, on the Eleventh day of January One thousand Eight hundred and Thirty-two, by whom, &c., and who neither, &c., to recognise, &c., because as well, &c., the same day is given to the parties aforesaid at the same place; at which day before our said Lord the King at Westminster come the parties aforesaid, by their respective attornies, and the sheriff hath not sent the writ of our said Lord the King to him in that behalf directed, nor hath he done anything thereupon; therefore, as before, let a jury thereupon come before our said Lord the King at Westminster on the Sixteenth day of April One thousand Eight hundred and Thirty-two, by whom, &c., and who neither, &c., to recognise, &c., because as well, &c., the same day is given to the parties aforesaid at the same place, at which day before our said Lord the King at Westminster come the parties aforesaid by their respective attornies, and the sheriff hath not sent the writ of our said Lord the King to him in that behalf directed, nor hath he done anything thereupon; therefore, as before, let a jury thereupon come before our said Lord the King at Westminster on the Twenty-sixth day of May One thousand Eight hundred and Thirty-two, by whom, &c., and who neither, &c., to recognise, &c., because as well, &c., the same day is given to the parties aforesaid at the same place, at which day before our said Lord the King at Westminster come the parties aforesaid by their respective attornies, and the sheriff hath not sent the writ of our said Lord the King to him in that behalf directed, nor hath he done anything thereupon; therefore, as before, let a jury thereupon come before our said Lord the King at Westminster on the Second day of November One thousand Eight hundred and Thirty-two, by whom, &c., and who neither, &c., to recognise, &c., because as well, &c., the same day is given to the parties aforesaid at the same place; at which day before our said Lord the King at Westminster come the parties aforesaid by their respective

Appendix, No. 9.

attornies, and the sheriff hath not sent the writ of our said Lord the King to him in that behalf directed, nor hath he done anything thereupon; therefore, as before, let a jury thereupon come before our said Lord the King at Westminster on the Eleventh day of January One thousand Eight hundred and Thirty-three, by whom, &c., and who neither, &c., to recognise, &c., because as well, &c., the same day is given to the parties aforesaid at the same place.

Afterwards the process thereof is continued between the parties aforesaid of the plea aforesaid, by the jury being respited between them before our said Lord the King at Westminster until Monday the Fifteenth day of April One thousand Eight hundred and Thirty-three, unless the Right honourable Sir Thomas Denman, Knight, his Majesty's Chief Justice, assigned to hold pleas in the Court of our said Lord the King, before the King himself, shall first come on Friday, the First day of February One thousand Eight hundred and Thirty-three, at Westminster Hall, in the county of Middlesex, according to the form of the statute in such case made and provided for default of the jurors, because none of them did appear. At which day, before our said Lord the King at Westminster aforesaid, come the said plaintiffs by their attorney, and the said Chief Justice before whom the said issue was tried hath sent hither his record had before him in these words: afterwards (that is to say) on the day, and at the place within contained, before the Right honourable Sir Thomas Denman, Knight, the Chief Justice within mentioned, Thomas Denman, Esquire, being associated to the said Chief Justice, according to the form of the statute in such case made and provided, come as well the within-named plaintiffs as the within-named defendants, by their respective attornies, and the jurors of the jury whereof mention is within made, to wit, Richard Evans Spurring, esquire, Thomas Burgon, merchant, John Hiley Booth, merchant, James Blakesley, esquire, William Hood, merchant, Charles Hart, esquire, Thomas Harding, esquire, William Hanner, merchant, John Williams, esquire, Henry Mortray Jones, merchant, Edward Coutts, merchant, and Michael Oppenheim, merchant, being summoned also, come, who to speak the truth of the matters within contained, being chosen, tried and sworn, say upon their oath that the said defendants did undertake and promise, in manner and form as the said plaintiffs have within complained against them, and they assess the damages of the plaintiffs on occasion of the not performing the promise and undertakings within-mentioned, over and above their costs and charges by them about their suit in this behalf expended, to Four hundred and Eighty-six pounds, Nine shillings and Sixpence, and for those costs and charges to Forty shillings; therefore it is considered that the said plaintiffs do recover against the said defendants their said damages, costs, and charges by the jurors aforesaid, in form aforesaid assessed, and also Three thousand Three hundred and Fifty-six pounds Ten shillings and Sixpence for their said costs and charges, by the court of our said Lord the King now here adjudged, of increase to the said plaintiffs, and with their assent, which said damages, costs, and charges in the whole amount to Three thousand Eight hundred and Forty-five pounds; and the said defendants in mercy

udgment signed 1st Dec. 1833.

lercy.

(No. 48.)

VERDICT OF JURY.

"*The Foreman.*—One of the gentlemen of the jury wishes to ask a question of you.

"*A Juryman.*—My Lord, I wish to know, supposing the jury were satisfied that a right had been given to the town to collect the dues, have they no right to consider whether there must not have been a co-existing public accommodation?

"*The Lord Chief Justice.*—I think that is out of the question. I think beyond the mere fact of the port being there to receive ships, it strikes me that is not the question.

"*A Juryman.*—Do you think, my Lord, also that supposing that out of the question, the jury have no right to consider whether the present dues are collected for any public benefit?

"*The Lord Chief Justice.*—That I think is quite out of the question too. It is satisfactory to me, and I dare say will be to you, to know if I take an erroneous view of that subject it will be set right hereafter.

"*A Juryman.*—What, my Lord, are we to decide as to the 1 *l.* 5 *s.* which is a separate amount as to Runcorn: is it to be considered as belonging to the township jurisdiction?

"*The Lord Chief Justice.*—I think upon the evidence it does: it seems the payment is made to Liverpool before it is allowed to be landed at Runcorn.

"*Mr. Serjeant Wilde.*—No doubt within the port; distinctly, in evidence, it is not within the borough.

"*Mr. Follett.*—My friend is not putting that right. The evidence is that the town of Runcorn on the land is not within the borough of Liverpool. But what we say is, the borough and lordship of Liverpool extends all over the port of Liverpool, all over the waters of

of the Mersey, all over the port. The evidence is, throughout, without contradiction, that these duties have been paid all over the port of Liverpool, without exception of any sort or kind. Appendix, No. 9.

" *Mr. Serjeant Wilde.*—Whether payable within the port or not, there is no evidence to show the lordship extending beyond the borough; none.

" *The Lord Chief Justice.*—Over the water.

" *Mr. Serjeant Wilde.*—If your Lordship will direct the jury how that is to be—

" *The Foreman.*—My Lord, I am directed to say, and I agree with it myself, that the verdict is for the plaintiff, for the Corporation.

" *The Associate.*—For what sum?

" *Mr. Follett.*—£. 486. 9 *s.* 10 *d.*

(No. 49.)

LORD *Denman*'s SUMMING UP as to NEW ARTICLES.

" Why on that we can only say that the grant of town duties or of port duties at all, would be of extremely little value if it were only confined to articles that existed in specie in former times; we know the great majority of imported merchandise has been introduced in modern times; and it appears to me, if the port duties were granted, and have existed during that long period of time, then they may be taken to apply to such new articles as come into or are exported from the port; and the best mode probably of settling what shall be paid would be by a concurrence between the receiver and the person liable to pay, and that by an assimilation as nearly as they can assimilate to the nature of the thing described."

Appendix, No. 10.

PAPERS delivered in by *William Shuttleworth*, Esq., and *John Stanistreet*, Esq., 16 June 1856. Appendix, No. 10.

(No. 50.)

Amongst the Records of the Court of Exchequer (Queen's Remembrancer) in the Public Record Office, in the Custody of the Right Honourable the Master of the Rolls, pursuant to the Statute 1 & 2 Vict. c. 94, to Wit, Entries of Decrees, 12 William 3. Michaelmas. Vol. 17, p. 173[b].

Lune xj[mo] die Novemb[r].

London. } WHEREAS Nathaniel Hawes Merch[t] J[o] Ever W[m] Prince George ~~Harvey~~ A. D. 1700.
Lanc. } [~~Harvey~~ Harvey] Susanna Herne Widd Tho: Rogers Rich[d] Savill J[o] Jackson [Interlined] *sic.*
W[m] Sawrey J[o] Ford J[o] Moore W[m] White Braham Smith James Baker Sam Baker Jeremy Ives Walter Myers Roger Hazard J[o] Rous & Daniel Stanley Cittizens & Freemen of London Pl[ts] did in Easter Terme in the sixth year of his now Ma[ts] Reigne exhite their English Bill into this Court ag[t] y[e] Mayor Bayliffes & Burgesses of y[e] Towne of *Sic.*
Liverpoole in y[e] County Palatine of Lancaster & others Def[ts] thereby setting forth that sev̄all antient Franchises & Immunityes have time out of mind been enjoyed by y[e] Cittizens & Freemen of y[e] Citty of London and have been granted & confirmed to y[m] by diverse charters of the Kings & Queens of England & by Acts of Parliam[t] & otherwise That the Pl[ts] being Cheesemongers employing Factors & haveing com̄erce w[th] sev̄all psons in y[e] country buy up great quantities of cheese in Cheshire & Lancashire w[ch] are brought by Shipps w[ch] in their Passage usually come to an anchor in Liverpoole River called y[e] River Mersey either to take in a further loading or to unload Goods there and y[t] w[n] such Shipps have anchored & passed through y[e] s[d] River y[e] Def[ts] by themselves or Serv[ts] have boarded y[e] same and under p̄tence of some Duty or Toll by y[m] alleadged to bee due to y[e] s[d] Corporac̄on of Liverpoole have violently broke open y[e] Decks of y[e] s[d] Shipps & seized the Pl[ts] Goods (whereof the pticulars were annexed in Schedule to y[e] Pl[ts] Bill) though y[e] Def[ts] know y[e] Pl[ts] to bee Cittizens of London & freed & discharged of such Exac̄cons & Privi-

Appendix, No. 10.

ledged to trade where they please w^th^out paying any Duty other than y^e^ Customes established by Act of Parliam^t^ and have deteyned y^e^ Pl^ts^ Shipps to y^e^ Interrupc̃on of Trade & haveing heretofore demanded twelve pence p Tonn doe now demand twenty pence p Tonn for every Shipp coming into y^e^ s^d^ River and the Scope of y^e^ s^d^ Bill was to compell the Def^ts^ to settforth & discover whether they did not know or beleive the Pl^ts^ to bee Freemen & Cittizens of London and exempted from such Dutyes & to have such priviledges as afores^d^ and whether they or some others by their order did not come on board y^e^ Pl^ts^ Shipps & Vessells laden w^th^ cheese & seize & carry away y^e^ Pl^ts^ Goods upon p̃tence of some Duty claimed by y^e^ Def^ts^ & pticularly such Quantities of Cheese in y^e^ sev̄all Shipps and on y^e^ sev̄all days in the s^d^ Schedule menc̃oned and y^t^ they might discover for w^t^ Duty and by w^t^ authority they seized y^e^ same & whether they claime such Duty by Grant Custome or p̃scrypc̃on & might sett forth y^e^ names of y^e^ psons employed to seize y^e^ Pl^ts^ Goods and w^t^ Books of Account Notes or Entryes they kept thereof & might acc^t^ w^th^ y^e^ Pl^ts^ for y^e^ s^d^ goods soe distrained or seized and y^e^ Pl^ts^ bee releveed in the p̃misses y^e^ Pl^ts^ prayed processe ag^t^ y^e^ Def^ts^ unto w^ch^ Bill y^e^ s^d^ Def^ts^ the Mayor Bayliffes & Burgesses of Liverpoole (being served w^th^ pcesse) appeared & answ^r^ed and thereby (amongst other things) did say y^t^ y^e^ Burrough of Liverpoole is an antient Burrough and hath soe been beyond the Memory of Man and is the principall Seaport Towne in Lanchashire and is scituate on y^e^ bank of y^e^ River Mersy The s^d^ Towne or Port includeing high Lake & other Places w^ch^ are & all along have been w^th^in the p̃cinct of y^e^ s^d^ Burrough & part of the s^d^ Port W^ch^ River Mersy running over great Rocks by y^e^ force thereof and flowing of y^e^ Sea & violence of Tempests loosens many of y^e^ Rocks & casts up Sands in the s^d^ River hazardous for Shipps w^ch^ have from time to time at the great charge of y^e^ Burgesses of Liverpoole been removed whereby the Haven is made convenient & safe & frequented w^th^ shipping for y^e^ defraying of w^ch^ s^d^ charges & other necessary uses of the s^d^ Burrough there hath been & is (either by Custome or p̃scripc̃on or as Liverpoole is part of the Dutchy of Lancaster or by some other right) due & paid & of right payable to y^e^ Burgesses thereof by all psons aswell Freemen of London as others (except Freemen of Liverpoole) sev̄all rates or sumes called Towne Dutyes or Towne Customes for all Goods exported out of or imported into the s^d^ Burrough or Port of Liverpoole and pticularly a Duty of one Shilling eight pence p Tonn upon all Cheese thence exported to or imported from London upon brakeing the Cargoe of the Shipp importing the Goods either by ladeing them or putting them on Board any other Shipp or Boat being in the s^d^ Port w^ch^ Duty hath all allong been collected by y^e^ Coll^r^ for the time being of y^e^ Towne Customes who is accountable to y^e^ s^d^ Burgesses for y^e^ same And the Burgesses and their Officers have time out of mind demanded y^e^ s^d^ Custome of the Persons from whom y^e^ same was due and for non paym^t^ have used to distraine a reasonable part of the s^d^ Goods for w^ch^ y^e^ Custome was due & deteyned y^m^ in the name of a distresse till such Custome was paid and y^e^ s^d^ Def^ts^ did further say y^t^ sev̄all Kings & Queens of England have by sev̄all Charters & Letters Patents confirmed y^e^ Liberties & Customes antiently belonging to y^e^ s^d^ Burrough & have granted others and y^t^ they ~~now~~ are [now] incorporated by y^e^ name of y^e^ Mayor Bayliffes & Burgesses & are intituled to all the Rights Dutyes Customes & Franchises w^ch^ the s^d^ Burgesses at any time heretofore enjoyed and have in their hands sev̄all Grants & Charters w^ch^ they menc̃oned in a Schedule annexed to their answ^r^ & s^d^ y^t^ this cause is ꝑperly tryable at Law and not in a Court of Equity and y^t^ y^e^ Pl^ts^ as well as other Freemen of London have time out of Mind p^d^ y^e^ Duty in quēon till y^e^ year 1692 and ought not to be exempted from paym^t^ thereof and y^t^ of late years great quantityes of Cheese have been brought downe to Sankey & Frodsham being part of the Port of Liverpoole by y^e^ Pl^ts^ order and ab^t^ 14 years agoe y^e^ London^rs^ appointed one Samuel Hide their agent to shipp their cheese for London at w^ch^ time one Hodson was Coll^r^ of the Duty in quēon and it being troublesome to inspect Shipps laden w^th^ Cheese while they were w^th^in Port and because some might lade or ~~bar~~ breake ~~worke~~ bulke w^th^out discoveryes & the Duty thereby [be] lost the s^d^ Coll^r^ & y^e^ Pl^ts^ Agent Hide agreed y^t^ y^e^ s^d^ Hide should keepe an account of all Cheese shipped or bulke broken and upon demand give an accompt to Hodson & pay him twelve pence p Tonn only instead of one shilling & eight pence formerly paid whereof Hyde acquainted y^e^ Pl^ts^ who approved thereof & ordered Hide to pay y^e^ same w^ch^ hee accordingly did till y^e^ death of Hodson w^ch^ y^e^ Def^ts^ said was y^e^ only reason of such abatem^t^ w^ch^ had been since continued and y^t^ sev̄all Freemen of London had p^r^chased their Freedome of Liverpoole on purpose to bee exempt from y^e^ s^d^ Duty and y^e^ s^d^ Def^ts^ did say they had above 18 years employed y^e^ s^d^ Hodgson & one Hayes successively to collect y^e^ s^d^ Duty who had distrained Goods in sev̄all Shipps belonging to y^e^ Cittizens of London w^ch^ w^th^ y^e^ circumstances thereof they menc̃oned in a Schedule annexed to their answ^r^ w^ch^ were then in their custody but knew not whether y^e^ Pl^ts^ were own^rs^ thereof and y^t^ they were willing to deliver the same againe upon depositing any other thing of value in the nature of a Distresse to remaine as a Security for y^e^ s^d^ Duty w^ch^ is y^e^ scope of y^e^ s^d^ Def^ts^ answ^r^ Unto w^ch^ answ^r^ y^e^ Pl^ts^ replied and y^e^ Def^ts^ rejoyned & y^e^ Cause being at Issue divers Witnesses were exāied therein on y^e^ part of y^e^ s^d^ Def^ts^ and their Deposic̃ons being duely published y^e^ same Cause came to bee heard in y^e^ Exchequ^r^ Chamb^r^ before the Right Hono^ble^ the Lord Chief Baron and the rest of y^e^ Barons of this Court upon y^e^ second day of July in y^e^ eighth year of his Ma^ts^ Reigne upon a full & deliberate hearing whereof and of Counsell learned on both sides It was then ordered by y^e^ Court y^t^ for y^e^ settling y^e^ right of y^e^ duty demanded by y^e^ s^d^ Def^ts^ a Tryall at Law should be had between y^e^ Pl^ts^ & Def^ts^ in a feigned acc̃on to bee for y^t^ purpose brought by y^e^ names of the Pl^ts^ Nathaniel Hawes J^o^ Moore W^m^ Prince Geo: Harvey & James Baker ag^t^ y^e^ s^d^ Def^ts^ y^e^ Mayor Bayliffes & Burgesses of Liverpoole in the office of Pleas of this Court wherein the Issue should bee whether any

[Interlined] *sic.*

Sic.
[Interlined.]

&

& w^t^ Toll Duty or Custome ought to bee paid to y^e^ Def^ts^ the Mayor Bayliffes & Burgesses of Liverpoole by y^e^ Cittizens of London tradeing in Cheese for Cheese laden or unladen w^th^in the Port or reputed Port of Liverpoole w^ch^ Issue was to bee tried at y^e^ Barr of this Court y^e^ then next Michas Terme by a speciall Jury of the County of Hertford in order whereunto y^e^ Def^ts^ were forthw^th^ to name an Attorney in the s^d^ office to receive a Declarac̃on [and] ~~to~~ plead to Issue and y^e^ Deposic̃ons of such Witnesses exãied in this Cause as should then be dead or unable to travell were to bee read & allowed for evidence at y^e^ s^d^ Tryall and y^e^ Equity of the Cause was reserved to y^e^ Court till after y^e^ s^d^ Tryall should bee had according to w^ch^ order y^e^ P^lts^ filed a Declarac̃on in y^e^ Office of Pleas for Tryall of y^e^ s^d^ Issue whereunto y^e^ Def^ts^ appeared & pleaded to Issue & averred first y^t^ a certaine Toll Duty or Custome was due & payable to y^e^ s^d^ Mayor Bayliffes & Burgesses of Liverpoole by y^e^ Cittizens & Freemen of the Citty of London afores^d^ tradeing in Cheese w^th^in y^e^ s^d^ Port of Liverpoole for Cheese by y^m^ laden or unladen w^th^in y^e^ s^d^ Port or reputed Port of Liverpoole and secondly y^t^ a certaine Toll Duty or Custome of twenty pence or some other Duty was due & payable to y^m^ y^e^ s^d^ Def^ts^ by y^e^ Cittizens & Freemen of London tradeing in Cheese w^th^in the Port of Liverpoole for every Tonn of Cheese laden or unladen w^th^in the s^d^ ~~Bay or~~ Port or reputed Port of Liverpoole and after y^t^ rate for a greater or lesser quantity upon both w^ch^ points y^e^ s^d^ Def^ts^ tooke Issue and y^e^ P^lts^ joyned in Issue & a speciall Jury being retorned by y^e^ Clarke of y^e^ Pleas for Tryall of y^e^ s^d^ Issues y^e^ same came to bee tryed at y^e^ Barr of this Court upon y^e^ 16^th^ day of June in y^e^ 11^th^ year of his Ma^ts^ Reigne and by consent of Counsell on both sides a Juror was then w^th^drawn and a Rule then made that a Distringas decem tles should bee awarded retornable y^e^ 25^th^ day of Octob^r^ in Michas Terme ~~then next~~ following but y^e^ pties not being then p̃pared to try y^e^ same y^e^ s^d^ tryall was put off to a further in y^e^ same Terme but not being then tryed by an order made on Monday y^e^ 27^th^ day of Nov^r^ in the same Terme upon hearing of Counsell on both sides It was then ordered amongst other things That a new Tryall should bee had at y^e^ Barr of this Court upon y^e^ former Issues y^e^ first Tuesday in the then next Easter Terme by a speciall Jury of y^e^ County of Hertford and y^t^ in order thereunto y^e^ Agents on both sides should deliver each to y^e^ other Notes of such Freemens Names as they intended to make use of at y^e^ s^d^ Tryall and should have liberty to inspect y^e^ Bookes of y^e^ Freemen of London wherein y^e^ Entries of such as are made Free are contained & take Coppyes of y^e^ Entryes of such Freemen as they should thinke fitt w^ch^ Coppyes should bee admitted at y^e^ Tryall to bee given in Evidence according to w^ch^ Order y^e^ s^d^ Cause was brought to [a] tryall at y^e^ Barr of this Court upon y^e^ first Tuesday in y^e^ last Easter Terme being the 23^th^ day of Aprill last upon w^ch^ Tryall a verdict haveing passed for y^e^ P^lts^ by an order of y^e^ 26^th^ of Aprill afores^d^ y^e^ s^d^ Cause was put into the Pap of Causes to bee further heard y^e^ 14^th^ day of May last upon y^e^ Equity reserved upon hearing whereof y^e^ same day & reading y^e^ s^d^ Verdict y^e^ Def^ts^ Councell praying y^t^ y^e^ Inheritance of y^e^ s^d^ Def^ts^ might not bee bound by one Tryall but y^t^ a new Tryall might bee had by a Jury of another County after long debate of y^e^ matter It was then ordered by y^e^ Court y^t^ upon paym^t^ of y^e^ Costs of y^e^ last Tryall another Tryall should bee . . . in y^e^ s^d^ Cause upon y^e^ Issues afores^d^ at y^e^ Barr of this Court upon Friday y^e^ 25^th^ day of Octob^r^ this p̃sent Michas Terme by a [speciall] Jury of y^e^ County of Barks to bee for y^t^ purpose returned by y^e^ Clerke of y^e^ Pleas of this Court and y^e^ Deposic̃ons of such Witnesses exãied in this Cause as should bee then dead or gone out of the Kingdome or not a able to travell were to bee read & allowed as Evidence at y^e^ s^d^ Tryall and y^e^ cause was to bee continued in the pap of causes for this Terme to bee further heard upon the Equity reserved after the Verdict to bee given upon y^e^ s^d^ Tryall In p^r^suance of w^ch^ order the undersherriffe of y^e^ County of Berks haveing attended the Clerke of y^e^ Pleas of this Court w^th^ his Freeholders Booke a Speciall Jury was by him returned for Tryall of y^e^ s^d^ Issues and the Cause according to the direc̃on of the s^d^ last order was brought to Tryall at y^e^ Barr of this Court y^e^ 25^th^ day of Octob^r^ last and after a long Evidence given on both sides a Verdict passed for the P^t^ whereupon y^e^ Cause being continued in the pap of Causes came this day to bee further heard in y^e^ Excheq^r^ Chamb^r^ upon the Equity reserved before y^e^ Right Hono^ble^ S^r^ Edw^d^ Ward K^nt^ Lord Chief Baron S^r^ Littleton Powys and S^r^ ~~K~~ Henry Halsell y^e^ other Barons of this Court in the p̃sence of Counsell on both sides and after reading of y^e^ s^d^ Order of y^e^ second of July in y^e^ eighth year of his Ma^ts^ Reigne (directing y^e^ s^d^ Tryall at Law for setling y^e^ Right of y^e^ said Duty) and of y^e^ s^d^ seṽall orders of y^e^ 27^th^ of Nov̄ and 14^th^ of May last and of y^e^ s^d^ last Verdict and hearing his Ma^ts^ Soli^r^ Gen̄all M^r^ Cooper one of his Ma^ts^ Counsell learned in the Law M^r^ Dodd M^r^ Browne & M^r^ Turner of Counsell w^th^ the P^lts^ y^e^ s^d^ P^lts^ Counsell prayed y^t^ y^e^ Def^ts^ may be decreed to satisfie y^e^ P^lts^ for y^e^ values of y^e^ P^lts^ goods w^ch^ they had distrained for y^e^ Duty in quẽon and y^t^ y^e^ P^lts^ might bee answ^r^ed all such Monyes as have been p^r^suant to an order of y^e^ 19^th^ day of June 1694 made in this Cause or otherwise deposited in y^e^ hands of y^e^ Customer of the Port of Liverpoole for y^e^ duty demanded by y^e^ Def^ts^ of y^e^ P^lts^ or any other Freemen of the s^d^ Citty dealing in Cheese for Cheese by them shipped or loaden w^th^ y^e^ s^d^ Port of Liverpoole and y^t^ y^e^ Def^ts^ might by y^e^ Injunc̃on of this Court bee restrained from demanding the s^d^ Duty of y^m^ or any of y^m^ for y^e^ future and upon hearing of M^r^ Ettrick M^r^ Cheshire and others of Counsell w^th^ the Def^ts^ submitting to satisfie the P^lts^ for y^e^ values of y^e^ goods distrained according to y^e^ values thereof menc̃oned in y^e^ Schedule annexed to y^e^ Def^ts^ answ^r^ amounting in all to y^e^ Sum̃e of sixty eight pounds five shillings But praying Costs may be spared in regard it is proved in y^e^ cause y^t^ divers cittizens of London in sev̄al years before the exhiteing of this Bill had paid y^e^ 12^d^ p Tonn to y^e^ Def^ts^ upon debate of y^e^ matter Itt is this day ordered adjudged & decreed

Appendix, No. 10.

[Interlined.] *sic.*

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Appendix, No. 10.

Sic.

Sic.

by the ~~Court~~ Right Honoble ye Lord Cheif Baron & other ye Barons aforesd yt yc Defts ye Mayor Bayliffes & Burgesses of ye Towne of Liverpoole shall forthwth satisfie and pay unto ye Plts or their agent or assignee in yt behalfe lawfully authorized ye sd sume of sixty eight pounds & five shillings confessed by the Defts in their answr to bee ye value of ye goods by ym distrained and taken from ye Plts for ye Duty in quẽon and yt ye Customr of the Port of Liverpoole shall restore & pay to ye Plts or such pson or psons as shall bee by ym sufficiently appointed to receive ye same all such Monyes as have been by ye Plts prsuant to ye sd order of ye 19th of June 1694 or other ye Freemen of London dealing in Cheese deposited & left in his hands for ye Duty in quẽon by ye Defts claimed to bee due from ye Plts for Cheese shipped or loaden wthin the Port aforesd And itt is further ordered & decreed yt a ppetuall Injunc̃on bee awarded under ye Seale of this Court to restraine ye sd Defts ye Mayor Bayliffes & Burgesses of ye Towne of Liverpoole & their successors their agents & offics for ye time being from receiving or demanding the sd Duty of or from ye Plts or any other ye ~~Cittizens~~ Freemen & Cittizens of ye Citty of London for ye future dealing in Cheese for Cheese laden or unladen wthin the port or reputed port of Liverpoole aforesd and ye sd Defts are to pay the Plts their Costs for ye Tryall at Law not already taxed and very moderate Costs in ye Equity part of ye Cause in this Court to bee taxed by ye Deputy of his Mats Remembranc̃.

Butler p Quer̃ p mand D. RRs.

Edw. Ward.
Littleton Powys.
Henry Halsell.

Pages 471 to 474.

I hereby certify the foregoing (extending from p. 1 to p. 11), to be a true and authentic copy from the Entries of Decrees in the custody of the Right Hon. the Master of the Rolls, and sealed with the seal of the Public Record Office, pursuant to the beforementioned statute.

Carlton Ride, 4 June 1856.

Charles Roberts,
Assistant Keeper of Records.

(No. 51.)

DUCHY OF LANCASTER.

From the Book of Patents and Leases in the Reign of King Henry the Eighth, fol. 115 (b).

A. D. 1537.

THE King, &c. hath to farm let to Thomas Holcrofte, esquire, the town and lordship of Liverpool, in the county of Lancaster; also one boat, and the passage over the water of Mersey, and the butchers shambles there; and also the stallage and tolls of the mart and fairs, with the perquisites of the courts in Liverpool aforesaid; and also the customs and anchorage or keiltoll of the water of Mersey within the lordship of Liverpool aforesaid, and one windmill called Acresmylle, another windmill called Wavertree Mylle, within the lordship of West Derby, parcel of the Duchy of Lancaster, in the county of Lancaster: To have and to hold the town and lordship aforesaid, and other the premises, with the appurtenances, to the before-named Thomas and his assigns, from the Feast of St. Michael the Archangel last past before the date of these presents, unto the end of the term of 21 years thence, &c., yielding therefore yearly, &c., that is to say: for the farm of the town and lordship aforesaid, and also for the boat aforesaid, with the passage over the water of Mersey, with the butchers shambles, and for the farm of the stallage and tolls of the mart and fairs, with the perquisites of the courts of Liverpool aforesaid, and also for the farm of the customs and anchorage or keiltoll of the water of Mersey, within the lordship of Liverpool aforesaid, 14*l.* of ancient farm, and 6*s.* & 8*d.* besides for the last increase, by the year; and for the farm of the mill called Acresmyll aforesaid, 20*s.*; and for the farm of the mill called Wavertremyll, 20*s.* sterling, as it hath been answered to the lord the King, at the Feasts of Easter and St. Michael, by equal portions. And the same farmer and his assigns shall repair, sustain and maintain all and singular the premises, at his own costs and expenses in all repairs which to the lord the King and his heirs in the same pertain, during the term aforesaid; and shall leave all the same, at the end of the same term, well and sufficiently repaired and sustained in all things; and if it should happen, &c. for 40 days, &c. (with the accustomed provisos). In witness whereof, &c. Dated at London, on the 20th day of February, in the 28th year of the reign of King Henry the Eighth.

By the Council of the Duchy aforesaid.

(No. 52.)

DUCHY OF LANCASTER.

From the Book of Leases, &c., in the Reign of King Edward VI., and Philip and Mary, fol. 175.

A. D. 1555.

Lancashire.

The lordship of Liverpool, the ferry-boat and passage over the water, and the butchers shambles,

THE King and Queen have let to farm to Sir Richard Molyneux, Knight, and William Molyneux, son of the aforesaid Richard, esquire: Witnesseth. That whereas the most dear Lord, Henry the 8th, late King of England, of most revered memory, deceased, father of the said lady the now Queen, did by a certain other indenture sealed with the seal of his Duchy of Lancaster, bearing date at London the 24th day of November in the 37th year of his reign, grant, demise and to farm let to one Sir William Molineux, Knight, now deceased, and the before named Richard Mollyneux, then by the name of Richard Molineux,

toll, perquisites of courts, anchorage, and two mills.

Molineux, esquire, the town and lordship of Liverpool, with the appurtenances, in the county of Lancaster; and also one ferry boat and passage over the water of Mersey, and the butchers shambers there, and also the stallage and toll of the fair and markets, with the perquisites of the courts in Liverpool aforesaid; and also the customs and anchorage or keil-toll of the water of Mersey, within the lordship of Liverpool aforesaid; and one windmill called Acresmille, and another windmill called Wavertremille, within the lordship of West Derby, parcel of the Duchy aforesaid, in the county of Lancaster aforesaid: To have and to hold the town and lordship aforesaid and other premises, with the appurtenances, to the before named William Mollineux, Knight, and Richard Mollineux, and their assigns, from the Feast of St. Michael the Archangel then last past before the date of the indenture aforesaid unto the end of the term of 21 years then next following and fully to be completed. Rendering therefore thence annually to the before named late Lord the King, his heirs and successors, that is to say, for the aforesaid farm of the town and lordship aforesaid, and also for the aforesaid ferry boat with passage over the water of Mersey, with the butcher's shambles, and for the aforesaid farm of the stallage and toll of the market and fairs, with the perquisites of the courts of Liverpool aforesaid, and also for the aforesaid farm of the customs and anchorage or keiltoll of the water of Mersey, within the lordship of Liverpool aforesaid, £. 14 for the ancient farm, and 6 *s.* & 8 *d.* beyond for the last ancient increase by the year; and for the aforesaid farm of the mill called Acresmille aforesaid 20 *s.*, and for the aforesaid farm of the aforesaid mill called Wavertre Mille 20 *s.* of lawful money of England, as it hath been answered to the said late Lord the King, at the Feasts of Easter and St. Michael the Archangel, by equal portions, and further to do as in the same indenture is more fully contained. By virtue whereof the aforesaid Sir William Molineux, Knight, and Richard Molyneux, entered into the aforesaid town and lordship of Liverpool aforesaid, and into all and singular the premises abovesaid, with their appurtenances, and were thereof possessed, and so being thereof possessed, the aforesaid Sir William Molineux, Knight, died, and the before named Richard Molineux survived him, and kept himself therein by right of accruer, and now the aforesaid Richard is sole possessed of all and singular the premises above specified. And the aforesaid Richard so being thereof sole possessed is now minded to surrender the aforesaid indenture so made to him and the before named William Molyneux Knight, of the premises as aforesaid into the hands of the said now Lord the King and the Lady the Queen, to be cancelled and the same indenture before the Chancellor and Council of the Duchy of Lancaster aforesaid in the chamber of the same Duchy at Westminster hath surrendered to be cancelled and it is there now cancelled, To the intent that the before named Lord the King and Lady the Queen would vouchsafe graciously to grant the aforesaid town and lordship of Liverpool with the appurtenances in the county aforesaid and all and singular other the premises in the aforesaid indenture above specified for a term of years to the before named Richard Molineux and William Molineux his son by another indenture under the seal of his Duchy of Lancaster aforesaid Whereupon the same Lord the King and Lady the Queen by the advice and assent of their Council of their Duchy of Lancaster aforesaid have granted demised and to farm let to the before named Richard Molineux and William Molineux son of the aforesaid Richard, the aforesaid town and lordship of Liverpool with the appurtenances in the county aforesaid, and also the aforesaid ferry boat and passage over the water of Mersey and the aforesaid butchers shambles in the said town of Liverpool, and also the aforesaid stallage and toll of the fair and markets with the aforesaid perquisites of the courts in Liverpool aforesaid and also the customs and anchorage or keil toll aforesaid of the water of Mersey and within the aforesaid town or lordship of Liverpool aforesaid, and the aforesaid one windmill called Acresmille and the aforesaid other windmill called Wavertre Mill within the manor or lordship of West Derby aforesaid, parcel of the Duchy aforesaid in the said county of Lancaster To have and to hold the aforesaid town and lordship and other the premises with the appurtenances to the before named Richard and William Molineux son of the aforesaid Richard and their assigns, from the Feast of Easter next coming after the date of these presents unto the end of the term of 41 years thence next following and fully to be completed rendering therefore thence yearly to the before named Lord the King and Lady the Queen, and the heirs and successors of the said Lady the Queen (that is to say) for the aforesaid town and the lordship aforesaid, and also for the aforesaid ferry boat with the aforesaid passage over the water of Mersey with the aforesaid butchers shambles, and for the aforesaid farm of the stallage and toll of the fair and markets with the aforesaid perquisites of the courts of Liverpool aforesaid, and also for the aforesaid farm of the customs and anchorage or keil toll aforesaid of the water of Mersey within the aforesaid lordship of Liverpool, £. 14 for the ancient farm, and 6 *s.* & 8 *d.* beyond for the last ancient increase by the year, and for the aforesaid mill called Acresmille 20 *s.*, and for the aforesaid mille called Wavertre Mill 20 *s.*, of lawful money of England, as it is now answered to the said Lord the King and Lady the Queen at the Feasts of

by equal portions And the same farmers and their assigns shall repair sustain and maintain all and singular the premises at their own costs and expenses in all repairs, which to the said Lord the King and Lady the Queen, and the heirs of the said Lady the Queen in the same pertain during the term aforesaid. And shall leave all the same at the end of the same term well and sufficiently repaired and sustained in all things.

21st March in the 1st and 2d years.

By Bill under the Privy Seal.

Appendix, No. 10.

(No. 53.)

THIS INDENTURE made the 15th day of March in the 21st year of the reign of King Henry the 8th between Henry Accres of Derby within the county of Lancaster gentleman upon that one parte and Thomas Halghton John Walker, Thomas Walker John Ireland William Walker, Roger Fazakerly William Lecome Richard Warker and Nicholas Thomasson of Lyvpole and all the burgesses and comynalty of Lyvpole upon that other parte Witnesseth that the said Henry hath demised taken and by these presents to ferme leten unto the said Thomas John Thomas Walker John Irelond, William Roger William Secome, Richard & Nicholas Thomasson and the burgesses and comynalty of Lyvpole, all the customes tolles, flesh, shamawes & ferry boate of Lyvpole, w^t^ all tacles gablez and other necessaries and advantages to the said customes, tolles, fleshamawes & ferry boate belonging & before tymes acostomed & used, To have, hold & pceyve all and every the foresaid customes, tolles, fleshamawes & ferry boate, w^th^ all the pfetts & advantages of theym unto the said Thomas, John Thomas Walker, John Ireland, Will^m^ Rog^r^ Will^m^ Secome, Ric & Nic Thomasson, & burgesses & comynalty, to the pfett use & advantages of the burgesses and comynalty of the town of Lyvpole beforesaid from the Fest of Saynt Michell tharchill next to come aftyr the date hereof until the ende of the ℞me of vj yers then next & immediately ensuing, paying therefore yerly e℣y yer unto the said Henry, his assign or leyful attorney, ten pounds s℔lingg at the fests of Paslice & Saynt Michell tharchill by even portions, And also the said Thomas John, Thomas Walker, John Ireland, W^m^ Roger Will^m^ Secome Ric & Nic Thomasson and burgesses & comynalty of Lyvpole, by y^se^ psents covenanten & graunten to redely℣ the said fleshamawes & ferry boate at the end of the said vj yers as well reprelled and upholden as they receyve theym, or elles another boat as gud that was when they receyved it, And also the said Henry by these presents covenanteth & graunteth, that aftyr the end of the said vj yers the said Thomas, John, Thomas Walker, John Irelonde, Will^m^ Rogers William Secome Ric & Nic Thomasson, & burgesses & comynalty of Lyvpole beforesaid shall have hold & pceyve that on half of all the said costomes, tolles, fleshamawes, & ferry boate, with all the advantages of the same durying all such ℞me & yers as the said Henry the said costomes tolles fleshamawes & ferry boate hath any lesse or graunte of, and the said Thomas John, Thomas Walker, John Irelond Will^m^ Rog^r^ Will^m^ Secome Ric & Nic Thomasson & comynalty of Lyvpole, to pay or cause to be paid yerly e℣y yere unto the said Henry his assign or leyfull attorney, fyve pounds s℔lyng at y^e^ said fests of Pasche & Saynt Michell tharchill by even porcions and to make half the costs of repereling and upholeding of the said fleshamawes and ferry boate, and the said Henry to make that other half of the costs of repereling of the same dureing all the ℞me as is before said, And the said Henry to occupye that other half of the said costomes, tolls fleshamowes & ferry boate to his owne pper use & advantage. Provyded alway, that if the said Henry decesse w^th^ in the said ℞me or ℞mes before spoken, then the said graunte & dymyse to cesse & be voide And the said Henry all the said costomes tolles fleshamowes & ferry boate w^th^ the advantages of the same, unto the said Thomas, John Thomas Walker, John Irelond Will^m^ Rog^r^ Will^m^ Secome, Ric & Nic Thomasson & burgesses & comynalty before said, during all the ℞me or ℞mes before said, in man^r^ & forme before said agayne all folke shall adwarraunte & defende. In witnesse hereof the said pties ayther anends other en℞changeably haf settle theyr sealles.

Given the day & yer before said.

Per me, *Thomas Hazghton,*
John Walker,
John Irlond.

(Four Seals.)

(No. 54.)

THIS INDENTURE made the thryde day of September in the xxxj^th^ yer of the reigne of our Sovereigne Lord King Henry the Eight between Sir Will^m^ Molyneux of Sefton in the county of Lanc^r^ knyght upon the one partie and Christopher Hoghe mayor of Litherpole, Thomas Walker William Walker Rog^r^ Walker John Hope Thomas Sayrclogh Ranff Birley R^d^ Raynford Alexander Garnet Ranff Sigerston and Robert Barker of the said town of Litherpole within the said county upon the other partie Witnesseth that where the King or said Sovereign Lord by his indenture under the seal of his Duchy of Lancaster bearing date at London the xx^th^ day of February in the xxviii^th^ yer of his reigne by the advice and assent of his counsel of his Duchy of Lanc^r^ hath granted betaken and to farme lette to Thomas Holcrofte squire the toune and lordship of Litherpole with appurtenances in the said counte and also one boote & passage over the wat^r^ of Mercy & the flesh shambles ther and also the stallage and toll of the market & flayres w^th^ the perquisites of the courtt of Lithpole aforesaid and also the custom & anchorage or keyll tolle of the wat^r^ of Mercy wit^n^ the lordship aforesaid in the said countie of Lan^r^ To have and to hold the towne and lordshippe aforesaid and oth^r^ the puresses w^t^ the apptnences to the said Thomas and his assigns from the Feste of Saint Mychell the Archangel last paste before the date of the said indent^r^ made by o^r^ said Sovrayne Lord unto the ende & terme of xxj yres then next following and fully to be complete yelding therefore yrly to o^r^ said Sovrayne Lord ye King and his heires for the ferme of the said towne and lordship aforesaid & all oth^r^ the puresses in the

the lordship of Lethpole aforesaid fourtene pounds six shillings eight pence And also where the said Thomas Holcrofte by indenture dated the 27th day of August in the twenty ninth year of our said Sovreigne Lord his reign made between Sir William Molineux of Sefton in the county of Lancaster knight upon the one party and the said Thomas Holcrofte esquire upon the othr partie hath given granted and demised to the sd Sir Willm Molyneux the said towne and lordshipp of Lithrpole wth the appurtenances & all other the prmisses before granted be taken and to ferme lette to the said Thomas Holcrofte To have and to hold the said towne & lordship of Lithrpole and all other the prmsees to the said Sr Willm Molyneux his executors and assigns from the said Feste of Saynt Michell th Archangel in the xxviijth yer of the reigne of or Sovereigne Lord the Kyng unto the ende & tme of xxth yeres then next & imediatly foloying fully to be complete & ended if the said Thomas Holcrofte soe long doe liff Now the said Sr Willm by this present Indenture for cteyn consideracons byin movyng hath granted betaken & to ferme lette to the said Christopher Hoghe mayr of Lithrpole Thomas Walker and ors before named of the town of Lithrpole the moyte or halfe of the town & lordship of Lithrpole with the apptences in the said countie of Lancr And also the said Sr Willm hath granted betaken and to ferme lette to the said mayr and the said before named, the moyte or half of the yerely pfitts comying & growyng of one boote & passage ov the watr of Mercy & of the fleshamels there, and also the moyte & halfe of the yerly pfitts of the stallage and tolle of the market & feyres wh the pquisits of the courte in Litherpole aforesaid and also the moyte or halfe of the yerly pfitts of the custom and anchorage or keylltolle of the watr of Mercy wthin the lordship before said To have and to hold the moyte or halfe of the yerly pfitts of the said toune & lordship aforesaid, and the moyte or halfe of the yerly pfitts of all and every othr thep rmisses with the apptenances to the said mayor & ors before named of the said toune of Lithrpole from the Feste of Saynt Michell th' Archangel next to cm aft the date of these psnt indents unto the ende & terme of fiftene yeres then next folloying & fully to be complete & ended if the said Thos Holcrofte soe long doe liff, yeldyng & paying therefor yerly to the said Sir Willm Molyneux his executors or assigns at the Feste of the Annunciation of our Ladie three pounds xj*s* & viij*d* and at the Feste of Pentecoste lvj*s* viij*d* and at the Feste of St Michel the Archangel three pounds xj*s* viij*d* of lawful money of England, and also the said mayr and the said befor named of the towne of Lithrpole shall yerly during the said time discharge & save harmless the said Sir Willm his heirs executors & assignes of that on halfe of all the costs & charges that shall belong hereafter to be made in anywise of & in & for the premisses & ev'y parcell thereof anends or said Soveign Lord the Kyng and the said Thomas Holcrofte and soe yerly discharged to leave the same as well in the repations of the said boote as the fleshamells and all other thyng or things appteyning to prmsses at the ende of theyr said time and for the sure & true yerly payment of the saide sum of ten pounds well & truly to be paid by the sayd mayr and the before named of the said town of Litherpole to the said Sir William his executors or assignes, the said mayr and the before named grauntees to be bound by their escript obligatorie to the said Sr William his executors & assigns in the sum of one hundreth pounds sterlyng Also the said Sr Willm Molyneux covenanteth & graunteth for hym his executors & assigns to & wth the said mayr & the before named of the towne of Litherpole, that he the said Sr William or his assigns from tyme to tyme at all tymes upon the reasonable request of the sayd mayr and the befor named of the town of Litherpole shall shew forth the said Indints made between the said Sr Willm & the said Thos Holcrofte berying date the xxvijth day of Auguste in the xxixth yer of or Soveigne Lord is reigne for the bnfite comodite or pfitt of the said mayr and the before named & mayntening of this psent lease. In witteness whereof to these Indenture the parties above named alter changeably have sette their sealles the day & yer above said.

Fine et Fine

Rauff Sckerston
Thomas Fawrclyff
Alexder Garnett
Thom Howke
Robert Barear

(Endorsed)

These persons were p̄sent when these w'tings were sealed

Johas Bolton Senr
Wyllms Stoner
Richd Warmycham
Henry Norris et multis aliis

(No. 55.)

This Indenture of lease made the 14th day of July in the year of the reign of Henre the Eight by the Grace of God King of England France & Ireland Defender of the Faith and of the Church of England and also of Ireland in earth supreme head the 38th between Sir Wm Molyneux of Sefton in the county of Lancr knyght & Richard Molyneux squire son & heir apparent of the said Sr William on the one ptye & Edmunde Gee of Chester

 wtin

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w'in the countye of Chester marchand on the other ptye, witnesseth, that the said S^r Will^m & Rychard for ye sume of foure pounds payd to hym the said S^r Will^m by the said Edmonde the day of the mayking hereof, hath granted demysed, set, and to ferme letteyn, and by these p'sents graunteth, demyseth, setteth and to ferme lettieth unto ye said Edmonde Gee, the moyte or half of the towne and lordshipp of Lyvpole, with the apptenances And also ye moyte or halfe of the yerly pfetts of all & eve the profetts of the fleshamells, stallage, & tolle of the market of Lyvpole aforesaid And also the moyte or half of the yerly pfetts of the custome & anchorage of keyll tolle of the water of Merse w^th in the lordshipp beforesaid: To have and to hold the moyte or halfe of ye yerly pfetts of the said towne & lordshipp & the moyte or half of the yearly pfetts of all & eve other the pmisses w^t their apptenances to ye said Edmunde Gee & his assignes, from the feast & daye of the Assūpc̃on of o^r blessed Lady the Virgyn next to come after the dat hereof, unto ye ende & time of eight years then next followynge fully to be complete finie & endyt, in as ample maner & forme as the said Sir Will^m hath the pmsses of the graunte & demys of o^r said Sovain Lord the Kyng, the said Edmunde & his assignes paying thereof yerly to ye said S^r Will^m his executors or assigns eight pounds stlyng, that is to saye, at the Feast of Saynt Mychall th' Archangell next to come aft̄ the date hereof, lj^s. viij^d, and at the Feast of the annunciation of O^r blessed Lady the the Virgin li^s. viij^d and at the Feast of Pentecost then next followyng, lvj^s. viij^d; and so furthe yerly at eve of the said feasts duringe the said eght eyrs; also the said Edmunde Gee, for hym, his executors & assignes coventh & graunteth to & w^th the said Sir Will^m by these pents y^t he the said Edmunde & his assignes, yerly during the said tme shall discharge, acquyte save & kepe harmless the said S^r Will^m & Ry^d their heirs executors & assignes, of ye one halfe of all ye costs and charges that shall belong yerly hereafter to be made in any wise of in or for the pmisses or any p̄cell y^r of agaynst o^r Soaign Lord the Kyng and all other p̄son & p̄sons & so yerly discharged to leave the same as well in the rep̄acons of the fleshamells as all other thyng & thynges in anywise app̄teyning to ye pmisses on any pcell or p^t thereof at the ende of the said tme: And also the said Edmunde Gee, for hym his executors & assigns covenñth & graunteth to & w^t the said Sir Will^m by these presents y^t he the said Edmunde shall not at any tyme or tymes hereaft^r durying the said time make any assign or assignes to occupye the pmisses or any pcell y^r of w^t out the assent and consent of the said S^r Will^m nor shall not do nor procure to be done any acte or acts, thyng or thynges, that shall be in anywise agaynes the lyberties of the said town of Ly^p̄pole, nor vex nor trobell any of the burgesses of the same oy^rwise than heretofore hath bene used or accustomed without fraud or collucon: And furthermore the sayd Edmunde, for him his executors & assignes covenñth & graunteth to & w^th the said Sir Will^m, by these presents, that he the said Edmunde & his factors & s̄vants at all tyme and tymes hereaft^r whensoev^r the said Edmunde or his assigns shall brynge or cause to be broght into ye port & town of Lyvpole any manner of marchandize wynes or warys, that then the said Edmunde & his assigns to tell the said Sir Will^m & his assignes to have the pferment & bargan from tyme to tyme of the same or of so much p^t or pcell y^rof, as hit shall please the said Sir Will^m & his assigns by suche reasonabull p̄se or for suche reasonabull sume or sumes of money as the said Sir Will^m or his assign & the said Edmunde or his assign reasonably can agree And for ye sure & true p̄formans of all and eve the covñnts, graunts, artycles and agreements, covenanted graunted and agreed, conteyned & specified in those Indent^res on the behalf of ayer of the said ptyes their heirs executors & assigns & truly to be p̄formed, observed & keped the said ptyes graunts to be bounden ayer ptye to the other by their escript obligator berrying date the daye of the dat of these psents in the sume of one hundreth pounds stlying. In witness whereof the pts aforesaid to these Indent^rs inc̄haungeably have put to their sealls & subscrybed their names the day & yer abovesaid.

Sic.

Per me, *Edmund Gee.*

(No. 56.)

Rec the fyrste day of October anno sexto regni Regis Edwardi Sexti, of Rycharde Molyneux, esquire, by the hands of Henry Terleton, sevyn pounds thre shelyngs iiij^d of usuall money of England dew to the Kyngs Maiestie at Michelmas last for the halfe yerrs rent of Ledpole In wyttenes whereof to this byll I have subscribed my name the day & yere afore written.

Per John Braddyll, deput

Thorne Holcrofte, milit.

(No. 57.)

This Indenture made the vii daye of October in the fourth and fifth yeres of the reign of Phelep & Mayre by the Grace of God King & Queen of England Spayne France both Sicilies Jerusalem & Ireland Defenders of the Faith Archdukes of Austria Dukes of Burgundy,

Burgundy Myllane & Brabant Counts of Flanders & Tyroll Between Sir Richard Molyneux knyght & Willm Molyneux son and heir of the said Sir Ric of the one ptye and John More mayor of the towne of Lyvpole in the said countye of Lanc, & the burgesses of ye same town of the other ptye Witnessith yt the said Sr Rychard & Wm Molyneux son of the said Sr Ric as well at ye specyall instance, motyon and request of the Right honorable Henry Lord Strange and John Caryll Squier, Attorney of the Kynge & Quenes most honorable Court of their said Duchie of Lancr as also for dyvs other good consideracions & causes them the said Sir Ryc & Willm Molyneux his son movying, have demyssed set and to farme lett and by these presents do demyse sett and to farm lett to the said mair and burgesses of the said town & borrowe of Lyvpole the ferme of the said towne and borrowe wh all and singular issues pfetts & comodyts arising coming and groying wh in the said towne or borrowe, which they the said Sir Ric and Willm or ayer of theyme have or ought to have by reason of a lease & demyse theref unto theym made undr the seal of the Duchie of Lancr excepted and always forpised and reservyd all the mylus standing & beyng in the said toun or borrowe or the libertyes of ye same To have hold occupye use and enjoye the said farme and all other the prmisses except before excepted to the said maire and burgesses and their assignes, from the day of yc date of these psents unto ye ende and terme and during all ye terme of one yere fully to be complete and endyt, and from thensforth from yer to yer, at the wyll & pleasure of both the said ptyes yeldying and paying therefore yearly to the said Sir Ric and Willm their execrs & assignes, the sum of xjli xvjs viijd of usuall money of England, at the Feasts of the Annunciacon of or blessed Lady the Virgen & Saynte Michaell th' Archangell by evyn porcons And the said John More, maire of Lyvpole and the burgesses of the said towne of Lyvpole doth covenant and grant to & with the said Sir Richard Molyneux and William Molyneux by these pnts yt they the said mayre and burgesses of ye said towne of Lyvpole and all otr suche psōn & psons as shall occupye or use ye farme of ye said towne and borrowe, shall and will discharge save and kepe harmlesse ye said Sir Ryc Molyneux & Willm Molyneux & ayre of them, theynn heyrs exrs & administrators and evye of theym agaynst or Sovaign Lord & Lady ye King & Quenes Highness yt now are, and the heirs and successors of or said Soaign Lady ye Quene for & concning ye said farme of the said towne and borrowe & all other things which the said Sir Ric Molyneux and William Molyneux his son have demysed & set to farme to ye saide maire and burgesse sof ye said towne during all such tyme as they the said maire & burgesses or their assignes shall have hold or occupy ye saide farme and other ye pmiss and the said Sir Richard & Willm Molyneux doth covente & graunte to & wth the said maire & burgesses by these pnts yt if the said maire & burgesses well & truly observe, fulfil, pforme & kepe all & singler the covants graunts, articles & agreements by the said maire & burgesses covnnted & graunted, conteyned & specified in these indentrs that then one single obligacōn baring date wth these psnts wherein the said maire & burgesses stond bounden unto the said Sr Ryc & Willm Molyneux in the sume of ccli stlyng shall be voyde & of none effect & els hit to stond in full strength and vertue In wytnesse whereof ye ptys aforesaid to these pnts interchaungeably have sett their seales Given the daye and yeare fyrst above wrytten

John More Thomas More Roger Walker

Seal of the Corporation of Liverpool.

per me, Rob. Corbett.

(No. 58.)

THE original of the following deed is much mutilated and cannot be copied; the following abstract gives its effect accurately.

BY INDENTURE of Bargain and Sale made between Edward Ditchfield, John Heighlord, Humphrey Clarke and Francis Mosse of the one part, the Right Honourable Richard Lord Molyneux, Viscount Maryboro', Sir Thomas Walmeslye of Dunkenaugh in the county of Lancaster, knight, William Fazakerley of Kirby in the said county of Lancaster, gentleman, and John Nutter of Pendle in the said county of Lancaster, of the other part. Dec. 1635.

It is witnessed That the aforesaid E. Ditchfield, John Heighlord, H. Clarke and F. Mosse, by the appointment and direction of the aldermen and commonalty of the City of London, as well in consideration of 10*s.* to the said John Humphrey and Francis by the aforesaid Sir Thomas Walmesley, Wm Fazakerley and John Nutter paid as in consideration of £. 450 by the said Richard Lord Molyneux paid to the hands of Robert Bateman then chamberlain of the said City of London, to the use of the said Mayor Commonalty and

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Citizens, Did grant bargain sell and confirm to the aforesaid Sir Thomas Walmesley, William Fazakerley and John Nutter, their heirs and assigns

All that the town and lordship of Litherpoole parcel of the honor of Lancaster in the county of Lancaster, with all its rights members and appurtenances

And all that ferry boat and passage over the water of Mersey there

And the butchers shambles in the said Town of Litherpoole

And also the stallage and tolls of the markets and fairs, with the perquisites of courts, in Litherpoole aforesaid.

And all customs anchorage and keytowle of the Water of Mersey aforesaid and within the aforesaid Town or Lordship of Litherpoole aforesaid, then or late in the tenure or occupation of Sir Richard Molyneux, knight, or his assigns, by the particular thereof mentioned to be of the yearly rent or value of £. 14. 6. 8. and to be parcel of the ancient lands and possessions of the Duchy of Lancaster, and all and singular farms messuages, &c. and the reversion and reversions, remainder and remainders and the rents and yearly profits of all and singular the same premises and of every parcel thereof, as fully freely and entirely and in as ample manner and form as the said King Charles by his letters patent sealed as well with his great seal of England as the seal of the Duchy of Lancaster, bearing date the 9th day of September 1629, gave and granted the premises or any of them to the aforesaid E. Ditchfield, John Heighlord, H. Clarke, and F. Mosse and their heirs in fee farm.

Except as in the said letters patent is excepted.

To hold unto and to the only and proper use of the said Sir F. Walmesley, W. Fazakerley and John Nutter, their heirs and assigns in fee farm for ever, subject to the yearly rent of £. 14. 6. 8. which by the aforesaid letters patent was reserved for the aforesaid town and lordship of Litherpoole, with the appurtenances at the time and in the manner therein mentioned.

Executed by the said Edward Ditchfield, John Heighland, Humphrey Clarke and Francis Mosse.

(No. 59.)

8 May, 8 Eliz., 1566.

THIS INDENTURE made the viii day of Maii in the eight year of the reign of our Sovragne Lady Elyzabeth hy the Grace of God Quene of Englande France and Ireland Defender of the Faythe &c Between William Molynex son and heyre apparent of Sr Rychard Molynex of Sefton in the county of Lancaster knight of the one partye and Edwarde Standyshe of Standyshe in the said countye of Lancaster esquire Richard Radclyf and Nicholas Rygbye gent of the other part Witnesseth that whereas the said Sir Richarde Molynex and William Molynex have and holde for term of certen yeres yet enduring of the demyse and grant of the late King Phillippe and Quene Mary the towne or lordshippe of Lytherpole wyth the apptenances in the said countye of Lancaster one boate or passage over the water of Mercye the shambles of boochers in the said towne the stallage and tolls of fayres & markets with the perqusites of courts in Lytherpole and also the customes ancorage and keytolle of the waters of Mercey and within the towne or lordshippe of Lytherpole and one wyndemylne called Acres Mylle and in like manner one other wyndemylle called Wavertree Mylle within the manor of or lordship of West Derby in the said county of Lancaster or by letters patent of the said late Kinge and Quene under theyre seale of theyre Duchie of Lancaster of the demyse & lease thereof y^{t} aperethe playnlye & att large. Now the said William Molynex for certen reasonable consyderations & respects hym specially movinge haythe gyven granted demysed set over and assigned and by these presents doth gyve grante & assigne unto the said Edward Standyshe Richard Ratclyff Nycholas Rygbye all the right tytle use possession term of yeares interest parte & porcon whiche he the said Will^{m} Mollynex esq$_{r}$ hayth or ought to have of in or to the said toune or lordshippe of Lytherpole boate or passage over the s^{d} water of Mercy and other the premyses with the apptenances mentyoned & demysed in & by the said lres patente and every part thereof to have and to holde the same to the said Edward Standyshe Richard Ratclyffe & Nycholas Rygbye theyre executors & assaignes unto the ende of the terme of yeres mentyoned in the said lres patente of the said demyse and lease. To the intent that they the said Edwarde Standyshe esquire Rycharde Ratclyffe and Nycholas Rygbye or survivor or survivors of them or the executors admynystrators or assignes of the survor of them shall employe use and bestowe the annuytes yssues & profits which they shall or may receive have or take of in or upon the said toune or lordshippe and other the premises specified or demised in the s^{d} lease or lres patente to such uses purposes intents behaves & meanynne as hereafter in these present indentures be mentyoned expressed and declared and in such manner and forme & under suche condōns as declared in the same that is to say they shall from henceforth yearly & from tyme to tyme gyve and pay all and every such rents annaytes sums of money yearly payments and fees as he by the said Wyll^{m} Molynex granted to be going forth or that be or shall by

by him appointed & lymytted to be taken uppe or payde of the yssues & profits of the same. To all & every such pson & psons unto whom the same Wyll^m Molynex hath given and granted or shall give and grante by writing under hys seale or by hys last will or testament the same rents annuities sums of money party payments or fees in such manner & forme & for suche and so longe tyme as is or shall be mentyoned or declared in the writing of the grante thereof made or to be made And to the intent also & upon condycon that the said Edward Standyshe Richard Ratcliffe & Nicholas Rigbye or the survors or survor of them or the executors or admors of the survor of them shall use employe & bestowe all the rest and residue of the annuytyes & profits which they shall or maye levye or perceive of the said toune or lordshippe of Lytherpole & other the premises over & besydes the said rents and annuities sums of money yearly payments & fees which be or shall be granted appointed or limited to be taken of the yssues & profits of the premises as is aforesaid to the use and for the preferment & advancement in marriage of Elyanor daughter of the said William yf she the said Eleanor will be ruled advysed & ordered touching her marryage by Brydget wife of the said Will^m and by the said Edward Standysh Rich^d Ratcliffe & Nycholas Rygby or the survors or survor of them and if she will not be ruled advised & ordered touching her maryage by the said Brigette & the said Edw^d Standyshe Rychard Ratcliffe & Nicholas Rygby or the survors or survor of them that then the same shall be used employed & bestowed to & for the helpe use mayntenance relyeff & sucis of John Molynex & Thomas Molynex yonger sons of the said Wyll^m & of all other suche yonger chyldren which the s^d Wyll^m Molynex shall hereafter begette—And to the intent & upon condition also that the said said Edward Standyshe Richarde Ratcliffe & Nicholas Rugbye or the survors or survor of them or the executors or admors of the survor of them shall demyse & grant over the premises and such right as they have or shall have of or in the same for foure the last years of the said terme for whiche the same premises were demised or letten to the said Sir Rycharde & Wyll^m Molynex unto Rycharde Molynex son & heyre apparente to the said Wyll^m and if he shall happen to decesse before the beginning of the said foure last years of the said term then to the said S^r Rycharde or to such other as shall be heyre male of the bodye of the same Sir Rycharde. In witnes whereof to these presents the said as partyes interchaungebly have put to theyre seales the day and year aforesaid. *Sic.* *Sic.*

L. S.

Wyll^m Molyneux.

Sealed signed & delivered in the presence
Alex^r Forthe, Rog^r Forecloghe, Ch^r Proctor & o^rs.

(No. 60.)

INDENTURES of Lease and Release.

RELEASE being 5 tite between Sir Carrell Molyneux Bart. Lord Visc^t Molyneux of the 1st part Frances Lady Dowager Molyneux widow and relict of s^d Richard Lord Molyneux deced. of the 2nd part Nehemiah Brettergh Esq. & Nicholas Fazakerley of the 3rd part & Roger Bradsaigh Esq. & Thomas Hawarden Gent. of the 4th part. 19 and 20 Sept. 1654.

Reciting that said Lady Frances had only part of a jointure provided for her before her marriage with said Lord Richard upon certain manors and premes in s^d county of Lancaster & that the rest of her jointure was agreed to be limited & settled to her upon certain other lands & heredits. of s^d Lord Rich^d in county of Sussex but had never been settled upon her according to such agreement.

And reciting that s^d lands & heredits. in Sussex were then in mortgage to John Bedell Esq. for £. 7,500 and were forfeited for non-payment thereof & other incumbrances.

And reciting that s^d Lady Frances had agreed to part with her interest in s^d premes. in Sussex that the same might be absolutely sold for payment of s^d incumbces. and for discharging & freeing other lands & heredits. of s^d John Carryll in coy. Lancaster upon a provision being made for her out of & upon certain estates of s^d Sir Carryll in the same county for that part of her jointure that was to have been secured upon s^d mortgaged premises in Sussex & that her trustees should join in conveyances for that purpose.

It was witnessed that s^d Carryll Lord Molyneux in conson. of the premises & for settling all his manors lands & heredits. in manner thereinafter mentioned & for other good causes,

Did grant release enfeoff & confirm to said Bretergh and Fazakerley & their heirs,

All the manors messuages lands tythes rectories advowsons & heredits. in the s^d county of Lancaster.

Appendix, No. 10.

To hold unto and to the use of s[d] Bretergh and Fazakerley & their heirs until a fine sur conasance &c. should be levied of the premises.

And s[d] Carryll Lord Molyneux thereby covenanted that he & Mary Viscountess Molyneux his wife would levy one or more fine or fines of s[d] premises in manner therein mentioned.

And it was thereby declared that the said fines should be tenure to the following uses viz.:

As for the capital mess[s] called the Hall of Croxteth,
To the use of s[d] Lord Carryll for life sans waste.

And as for certain premises in Tarbock Huyton Woolfall Knowsley Roby and Alkcar,

To the use of s[d] Lady Frances for life in further confirmation of her jointure theretofore limited to her as aforesaid.

And as for all the rest of said manors mess[es] & heredits. in the abstracting indre mentioned,

To the use of Lady Frances for life in lieu of her dower and in satisfaction and for the sale of the interest of her and her trustees in said lands & heredits. in Sussex. —Remainders over.

(No. 61.)

20 Mar. 1671.

By Articles of Agreement made between Caryl Lord Molyneux Richard Molyneux his son & heir apparent & their trustee of the one part & the Mayor Bailiffs & Burgesses of the town corporation & borough of Liverpool of the other part.

It was agreed that the said Lord Molyneux Richard Molyneux & their trustee should grant convey & assign the town & borough of Liverpool & the liberties thereof by virtue of the grant of 11 Ch[s] I. to the said mayor bailiffs & burgesses & their successors for the term of 1000 years (except to s[d] Lord & Rich[d] Molyneux & their heirs the ferry boats & passage over the River of Mersey & the burgage rents in Liverpool aforesaid) at & under the yearly rent of £. 30.

6 Oct. 1671, No. 1.
11 Oct. 1671, No. 2.

(MS. illegible.)

(No. 61 A.)

27 May 1672, 24 Charles 2.

Lease made between Caryl Lord Viscount Molyneux and John Tatlock of the first part; the mayor, bailiffs, and burgesses of Liverpool of the second part; and Lawrence Brownloe of Liverpool aforesaid, alderman Thomas Andoe, Henry Corles, John Chandler of Liverpool aforesaid, alderman Peter Lurting of Liverpool aforesaid, alderman John Sturzaker of Liverpool aforesaid, alderman Thomas Bickersteth and Thomas Johnson, alderman James Jerrom of Liverpool aforesaid, merchant, Silvester Richmond of Liverpool aforesaid, gentleman, Robert Seacombe of Liverpool aforesaid, gentleman, Robert Williamson of Liverpool aforesaid, mariner, and Edward Tarleton of Liverpool aforesaid, mariner, of the third part.

Reciting the grant or letters patent of the 9th day of September, 4th Charles 1st.

And the bargain and sale of the 4th day of December, 11th Charles 1st.

And also reciting as therein is recited.

And also reciting that divers variances, suits, controversies and debats, had then lately been between the said Caryl Lord Viscount Molyneux, with others on his behalf, and the said mayor, bailiffs and burgesses, or others on their behalf, concerning several claims and demands by the said Caryl Lord Viscount Molyneux or others, within, out of, or from the said town or borough of Liverpool, or near to the same, which differences had been composed, and the agreement thereupon comprised in the articles of the 20th March, Charles the 2d.

It is witnessed, that in performance of the said agreement, and in pursuance of the said articles and in consideration of 5*s.*, and of the yearly rent of 30*l.* thereby reserved, They, the said Caryl Lord Viscount Molyneux and John Tatlock, did grant, demise, bargain and sell, set and to farm let unto the said Lawrence Brownloe, Thomas Andoe, Henry Corles, J. Chandler, P. Lurting, J. Sturzaker, T. Bickersteth, Thomas Johnson, James Jerrom, Silvester

Silvester Richmond, Robert Seacome, Robert Williamson, and Edward Tarleton, their executors, administrators, and assigns. Appendix, No. 10.

All that or those the towne and lordship of Liverpool, otherwise called Litherpool, parcell of the possessions of the Duchy of Lancaster, or of the honour of Lancaster, in the said county of Lancaster, with all and singular, their rights, members and appurtenances.

And all the flesh shambles within the said towne of Liverpool.

And also all the stallage and toll of the several markets and faires there from tyme to tyme held, and to be held, and all and every, the perquisitts and profitts of the several courts there from tyme to tyme held and to be held; and all the customes, anchorages and keytolls of the river or water of Mersey, there and within the said towne or lordship of Liverpool, otherwise called Litherpool aforesaid.

And all and singular, other the royalties, franchises, immunityes, privileages, jurisdictions, libertys, hereditaments, trusts, claymes and demands whatsoever of them, the said Caryl Lord Viscount Molyneux and John Tatlocke, and of every of them, within, out of, or from the said towne or borough of Liverpool, or the libertys thereof or elsewhere, and all other things whatsoever, whether those therein above particularly mentioned, or what were not mentioned, which they, or any of them, claymed by virtue or force, or under a certain indenture of bargayne and sale inrolled as aforesaid, bearing date the Fourth day of December, in the Eleventh year of the reigne of King Charles the First, and made between Edward Ditchfield, John Heighlord, Humphrey Clarke, and Francis Mosse, citizens of London of the one part, and the said Richard Lord Viscount Molyneux, Sir Thomas Walmsley, knight, William Fazakerley and John Nutter of the other part, or otherwise howsoever, by virtue of the said letters pattent, or anie grant under the same (the ferry boats, battallage, and passage over the said water or river of Mersey, and all and every the burgage rents within the said towne and burrough of Liverpool, out of that grant or demise onely excepted and foreprized).

To hold, except as before excepted, unto the said Lawrence Brownloe, Thomas Andoe, H. Corles, J. Chandler, P. Lurting, J. Sturzaker, J. Bickersteth, T. Johnson, J. Jerrom, S. Richmond, R. Seacome, R. Williamson, and Edward Tarleton, their executors, administrators, and assigns, from the day next before the day of the date of these presents, for the full term of 1,000 years from thence next ensuing and fully to be complete and ended.

Subject to the payment of the yearly rent of 30*l.* unto the said John Tatlock, his heirs or assigns in trust, for the said Caryl Lord Viscount Molyneux, his heirs and assigns at the Feast of St. Michael the Archangel.

Declaration that the said demise was made upon trust and confidence, and to the only use and behoof of the mayor, bailiffs and burgesses of the said towne and borough of Liverpool and their successors.

And to the intent and purpose that they from time to time, during the said term, should have the full benefit of the said demise, and not only take and receive all the issues and profits of the said premises thereby demised, but also from time to time, should have full power to dispose of all and every the premises to whom, and for such term and terms as the said mayor, bailiffs, and burgesses, from time to time, under their common seal, should limit and appoint.

Executed by the said Caryl Lord Viscount Molyneux and John Tatlock, and attested by six witnesses.

Inrolled in the High Court of Chancery on the 5th March, 4th James 2d.

(No. 61 B.)

LEASE and release of these dates; the release made between Mary Johnson, of Prescott, in the county of Lancaster, spinster, and Susanna Johnson, of the same place, spinster, of the first part, the Right honourable Sir Charles William Molyneux, baronet, Lord Viscount Molyneux, of Maryborough, and Earl of Sefton, in the kingdom of Ireland, of the second part, and the mayor, bailiffs, and burgesses of the town of Liverpool, in the county of Lancaster, of the third part. 3 and 4 Feb. 1777.

Reciting the letters patent, bearing date the 9th of September, 4th Charles the 1st, and the indenture of bargain and sale of 4th December 1635.

And reciting that by indenture of lease and release, duly executed, bearing date respectively the 14th and 15th of September, 12th Charles 2d, the release made between Caryl Lord Viscount Molyneux (who was son and heir at law of the said Richard Lord Molyneux, then deceased), Elizabeth Moore, widow, and Henry Robinson, of the one part,

Appendix, No. 10.

and Ralph Mercer, John Tatlocke, and Thomas Bolton, of the other part, reciting, that the town or lordship of Litherpoole, with the appurtenances and hereditaments after mentioned, had been conveyed to Sir Thomas Walmsley, William Fazakerly, and John Nutter, and their heirs, and that the said Sir Thomas Walmsley and William Fazakerly had afterwards died, whereby the said John Nutter became solely seized by survivors, and died, after whose death the premises descended to the said Elizabeth Moore, Richard Crombocke, and Henry Robinson as co-heirs to Robert Nutter, who was brother and heir of the said John Nutter. It is witnessed that the said Elizabeth Moore, Richard Crombocke, and Henry Robinson, in pursuance and performance of the trust reposed in the said John Nutter, and by the direction of the said Caryl Lord Molyneux, did release and confirm to the said Ralph Mercer, John Tatlocke, and Thomas Bolton, and their heirs, the said town and lordship of Litherpoole, the said battalage and passage over the waters of Mersey, the said flesh shambles, stallage, tolls, perquisites, cnstoms, anchorages, key tolls, and all and singular the premises comprised in the said indenture of bargain and sale of 4th of December 1635, to hold unto and to the use of the said Ralph Mercer, John Tatlocke, and Thomas Bolton, their heirs and assigns for ever.

And also reciting, that by indenture duly executed bearing date 7th day of March, Car. 2d, and in the year 1670, and made between Francis Lord Hawley, Sir Charles Harberd, Sir William Howard, Sir John Talbot, Sir Robert Stewart, and William Harberd, esquire, trustees for the sale of fee farm rents and other rents of the Crown of the one part, and John Farnworth, gentleman, of the other part, it is witnessed, that the said trustees, in pursuance of the trusts in them reposed by the therein mentioned letters patent, and of an Act for advancing the sale of fee farm rents and other rents, and of the instructions to the said Act annexed, in obed ienceto the order of the Treasury, and in consideration of 251 *l.* 17 *s.* paid to his then Majesty, at the receipt of the Exchequer, and of 5 *s.* paid to the said trustees, did grant, bargain, sell, alien, assign, release, and confirm to the said John Farnworth and his heirs, all that the said annual or fee farm rent of 14 *l.* 6 *s.* 8 *d.* reserved and issued by virtue of the said letters patent out of the manor of Litherpoole aforesaid, or for the same with other lands, and then or late payable to the king by the said Viscount Maryborough, to hold unto the said John Farnworth, his heirs and assigns.

And reciting that by indenture of bargain and sale duly executed, dated the 28th September 1671, and enrolled in his Majesty's Court of Chancery, the 5th of December in the same year, and made between the said trustees for the sale of the said fee farm and other rents of the one part, and the said John Farnworth of the other part, the said trustees for the like consideration as mentioned in the said indenture of the 7th March 1670, did grant, bargain, and sell to the said John Farnworth, the said annual fee farm rent of 14 *l.* 6 *s.* 8 *d.*, to hold to the said John Farnworth, his heirs and assigns.

And reciting that the said sum of 251 *l.* 17 *s.*, the consideration mentioned in the same two several last mentioned deeds, was the proper money of the said Caryl Lord Molyneux, and the said John Farnworth was a trustee for him in respect of the same rent thereby conveyed.

And reciting, that in and by certain articles of agreement, bearing date the 11th day of October, 23d Car. 2d, and in the year 1671, and made the said Caryl Lord Molyneux and Richard Molyneux, his son and heir apparent, and the aforesaid John Tatlock, of the one part, and the mayor, bailiffs and burgesses of the town corporate and borough of Liverpool aforesaid, of the other part, it was agreed that the said Caryl Lord Molyneux, and Richard Molyneux, and John Tatlock, or their heirs, should before the 25th of March next, grant, convey and assure all their estate, right, title, and interest, within, out of, and from the said town and borough, and the liberties thereof, by virtue of the aforesaid grant, dated the 4th of December, 11th Car. 1st, unto the said mayor, bailiffs and burgesses, and their successors, for the term of 1,000 years (except to the said Caryl Lord Molyneux, and Richard Molyneux, and their heirs, the ferry boats and passage over the river Mersey, and the burgage rents in Liverpool aforesaid), at and under the yearly rent of 30 *l.*, and with and under such covenants and agreements as were therein mentioned.

And reciting the said indenture of lease of 27th May 1672, and the indenture of lease or confirmation of 17th October 1700, and the fine sur concesserunt, and 21st March 1701.

And reciting that the said Mary Johnson and Susanna Johnson were seised in fee simple of the reversion and inheritance of the said town and lordship of Liverpool, with the rights, members, and appurtenances thereof, and of the said flesh shambles, stallage, toll of markets and fairs there, perquisites and profits of courts there, customs, anchorages, and key tolls of the said River Mersey, within the town or lordship, and of the royalties, franchises, immunities, privileges, jurisdictions, liberties, hereditaments, claims and demands, within, out of, or from the same town and liberties, demised or leased by the said several indentures of the 27th of March, 24 Chas. 2d, and 17th October 1700 respectively, and expectant on the determination of the same lease, and also seised in fee of the said reserved rent of 30 *l.*, and of the said ferry boats, battalage and passage over the said River Mersey, in trust for the said Charles William then Earl of Sefton, and Lord Viscount Molyneux and his heirs; and that the same Earl was then seised in fee of the said burgage rents in the same several leases mentioned and excepted.

And

And reciting that by certain articles of agreement bearing date the 13th of September then last past, made between the said Charles William Earl of Sefton of the one part, and the then mayor and bailiffs of the town of Liverpool aforesaid, and divers of the burgesses thereof, on behalf of themselves and the rest of the burgesses of the said town of the other part, the said Earl in consideration of 2,250*l.* to be paid to him, by the said mayor, bailiffs, and burgesses, did covenant and agree with them, and their successors, that he, the said Earl, and his heirs, and all other persons claiming under him, should at the costs of the mayor, bailiffs, and burgesses (except as therein is excepted, upon the day appointed in that behalf), by effectual and fit conveyances, well and sufficiently grant, bargain, sell, release, and convey to the said mayor, bailiffs, and burgesses and their successors, or whom they should appoint, all that the fee simple, reversion, and inheritance of him, the said Charles William Earl of Sefton, expectant and to take effect on the determination of the said indenture of lease of the 27th of May, 24th Car. 2d. And the said deed of confirmation of the 17th of October 1700, of and in the town and lordship of Liverpool, and all and singular other the hereditaments and premises comprised in, and granted by the said indentures of lease and confirmation; and also the inheritance in possession of and in the said yearly rent of 30*l.*; and also of and in all that and those the said ferry boats, battelage, and passage over the said water or River of Mersey, and the rents and payments therefore due, accustomed, and paid to the said Earl, amounting to the yearly sum of 20*l.* or thereabouts; and also of and in all and every the burgage rents within the said town and borough of Liverpool, due and payable to the said Earl, amounting to the yearly sum of 12*l.* 7*s.* or thereabouts, together with the appurtenances thereunto belonging. To hold to and to the use of the said mayor, bailiffs, and burgesses and their successors, or to the use of such other person or persons as they or their successors should appoint, the same to be conveyed to their heirs and assigns for ever, with such covenants on the part of the said Earl and his heirs, as in the said articles are mentioned; and the said mayor, bailiffs, and burgesses, in consideration of the said articles, and in pursuance of a certain order of the common council of the said town, them thereunto authorizing, did for themselves and the rest of the burgesses thereby covenant and agree with the said Charles William Earl of Sefton, his heirs and assigns, to pay or cause to be paid unto the said Charles William Earl of Sefton, his heirs or assigns, the sum of 2,250*l.* for the purchase of the hereditaments thereby contracted to be sold.

It is witnessed that in pursuance and execution of the said articles of agreement on the part of the said Earl of Sefton, and in consideration of 2,250 *l.* to the said Charles William Earl of Sefton, and of 10*s.* a piece to the said Mary Johnson and Susannah Johnson paid by the said mayor, bailiffs, and burgesses, they the said Mary Johnson and Susanna Johnson, at the request and by the direction and appointment of the said Earl, testified, as therein mentioned, did grant, remise and release, and the said Charles William Earl of Sefton, did grant, bargain, sell, alien, remise, release, ratify, and confirm unto the said mayor, bailiffs, and burgesses (in their actual possession, &c., then being by virtue of the said lease), and to their successors and assigns for ever.

All that and those the town and lordship of Liverpool, otherwise called Litherpoole, late parcel of the possessions of the duchy of Lancaster, or of the honour of Lancaster, in the said county of Lancaster, with all and singular the rights, royalties, members, and appurtenances thereof and thereunto belonging; and all the flesh shambles within the said town of Liverpool; and all the stallage and toll of the several markets and fairs there from time to time held and to be held.

And all and every the perquisites and profits of the several courts there, from time to time held and to be held.

And all the customs, anchorages, and key toll, of, in, or upon the river or water of Mersey there, and within the said town or lordship of Liverpool, otherwise Litherpoole, aforesaid.

And also all and singular the commons, wastes, and waste grounds, boundaries and territories thereof.

And all and singular the royalties, franchises, immunities, privileges, jurisdictions, liberties, rights, titles, hereditaments, estates, trusts, claims and demands whatsoever of the said Mary Johnson, Susanna Johnson, and Charles William Earl of Sefton, and every of them within, out of and from, or unto the said town or borough of Liverpool and the liberties thereof, and all other the hereditaments and premises whatsoever demised and granted in and by the said indenture of lease of the 27th of May, 24 Car. 2d, and in and by the said lease and confirmation of the 17th of October 1700, or either of them.

And also all that the said yearly rent of 30*l.* reserved in and by the same several indentures of lease, and lease and confirmation, due and to grow due and payable to the said Mary Johnson and Susanna Johnson and their heirs, in trust for the said Earl and his heirs, by the said mayor, bailiffs, and burgesses, and their successors, during the residue of the said terms thereby respectively granted.

It is also witnessed, that the said Charles William Earl of Sefton, for the consideration aforesaid, did grant, bargain, sell, alien, remise, release, ratify and confirm unto the said

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mayor, bailiffs and burgesses (in the actual possession, &c.), and to their successors and assigns.

All that and those the said ferry boats, battleage and passage over the said river or water of Mersey, and all and every the rents and payments thereof due and accustomed and paid to the said Charles William Earl of Sefton, amounting then in the whole to the yearly sum of 20*l.* or thereabouts.

And also all and every the burgage rents, within the said town and borough of Liverpool, then due and payable to the said Charles William Earl of Sefton, and which had been anciently and immemorially paid to and received by his ancestors, amounting then in the whole to the yearly sum of 12*l.* 7*s.* or thereabouts. And all and singular farms, messuages, cottages, mills, houses, edifices, structures, barns, stables, dovehouses, orchards, gardens, tofts, curtilages, lands, tenements, ponds, pools, meadows, feedings, pastures, leasowes, commons, demesne lands, customary lands, glebe lands, offert lands, wastes, heaths, bruyeres, moores, marshes, ways, void places, paths, easements, woods, underwoods, fallable wood, lands and trees whatsover. And all the lands and soil of the same woods, underwoods and trees, tythes of corn, grain and hay, of wool, linseed and lambs, and all other tythes whatsoever, great and small. Also, oblations, obventions, fruits, profits, commodities, gulphs, banks, rivers, waters, watercourses, piscaries, fishings, fowlings, huntings, tree foldage, turbary, suit, socke, multure, free warren, mines, quarries, pensions, portions, rents, reservations, services, rents charge, rents seck, rents of assize, and rents and services, as well of free as customary tenants' works, tenants' yearly rents, increase of rents, farms, fee farms, annuities, escheats, reliefs, heriots, fines, amerciaments, certain rents, common fines, court leet, and view of frankpledge, hundred courts, perquisites, and profits of courts and leets, and all things which to the hundred courts, courts leet, and view of frankpledge did belong, or might or ought to belong, goods and chattels, waived, goods and chattels of felons, as well of themselves as of other felons, of fugitives, outlaws, persons attaint, condemned and exigent, put, estrays, deodands, estovers, and commons of estovers, fairs and markets, and the issues of courts of pie pouder, stallage, toll, customs, pickage, emoluments, immunities, acquittals, and hereditaments whatsoever, with all and singular their rights, members, and appurtenances, of whatsoever nature or kind, or by whatsoever names they might be called, reputed or known, situate, lying and being, growing, renewing, or happening in or within the lordship, town, places, fields, parish or hamlet aforesaid, or any of them, or elsewhere, wheresoever to the said town and lordship, lands, tenements, and hereditaments, and other the premises thereinbefore mentioned to be granted, or to any of them, or any part thereof in anywise belonging or appertaining, incident, appendant or incumbent, or as member, part or parcel of the same town, lordship, lands, tenements and hereditaments, and other the premises thereinbefore mentioned to be granted, or of any of them, then or at any time before, being, had, known, accepted, occupied, demised, let, or reputed.

And the reversion, &c., as fully as the said premises were granted by the said letters patent to the said Edward Ditchfield, John Heighlord, Humphrey Clarke, and Francis Mosse, and their heirs, except all forests, chaces, parkes with deer therein, knights' fees, wards, marriages, advowsons, mines of gold and silver, as in the said letters patent are excepted.

And all the estate, &c.

And all deeds, &c.

To hold the same premises unto and to the use of the said mayor, bailiffs and burgesses, and their successors and assigns for ever.

Executed by the said Mary Johnson, Susanna Johnson, and the said Charles William Earl of Sefton, and attested by two witnesses. Receipt for 2,250*l.* endorsed. Signed by the said Charles William Earl of Sefton, and witnessed.

(No. 62.)

DUCHY OF LANCASTER.

From the BOOK of LEASES and PATENTS in the Reign of King Henry the Eighth. Fol. 172.

Lancashire. Town and Lordship of Liverpool. A.D. 1545.

THE King hath let to farm to Sir William Molyneux Knight and Richard Molyneux, son of the aforesaid William Esquire. Witnesseth that whereas the aforesaid Lord the King by a certain other Indenture sealed with the seal of his Duchy of Lancaster bearing date at London on the 20th day of February in the 28th year of his reign, did grant demise

demise and to farm let to one Sir Thomas Holcrofte Knight, by the name of Thomas Holcrofte Esquire the town and lordship of Liverpool with the appurtenances in the county of Lancaster and also one ferry boat and the passage over of the water of Mersey and the butchers shambles there and also the stallage and toll of the market and fairs with the perquisites of the Courts in Liverpool aforesaid and also of the customs and anchorage or keil-toll of the water of Mersey within the lordship of Liverpool aforesaid and one windmill called Acres Myll and another windmill called Wavertre Myll within the lordship of West Derby parcel of the Duchy of Lancaster in the county of Lancaster To have and to hold the town and lordship aforesaid and other the premises with the appurtenances to the before named Thomas Holcrofte and his assigns from the Feast of St. Michael the Archangel then last past before the date of the same Indenture unto the end of the term of 21 years thence &c. Rendering therefore &c. that is to say for the farm of the town and lordship aforesaid and also for the aforesaid ferry boat with passage over the water of Mersey with the butchers shambles and for the farm of the stallage and tolls of the market and fairs with the perquisites of the Courts of Liverpool aforesaid and also for the farm of the customs and anchorage or keil-toll of the water of Mersey within the lordship of Liverpool aforesaid £. 14 of ancient farm and 6 *s.* and 8 *d.* beyond for the last increase by the year; and for the farm of the mill called Acresmyll aforesaid 20 *s.* and for the farm of the mill called Wavertre Mill 20 *s.* sterling as it hath been answered to the Lord the King at the Feasts of Easter and St. Michael the Archangel, by equal portions. And that the same Thomas and his assigns should repair sustain and maintain all and every the premises at their own costs and charges in all repairs which should pertain to the aforesaid Lord the King and his heirs in the same during the same term and should leave all the same at the end of the aforesaid term well and sufficiently repaired and sustained in all things with a certain clause in the aforesaid Indenture above specified that if it should happen that the aforesaid rent above in the before mentioned Indenture specified should be in arrear and unpaid in part or in the whole for 40 days next after any term of payment at which it ought to be paid that then it should be lawful for the aforesaid Lord the King and his heirs the aforesaid farm to re-enter and into his hands to retake and possess as in their former state the aforesaid lease in anything notwithstanding; and with two customary provisoes specified in the aforesaid Indenture, as in the same Indenture more fully is contained. And now the aforesaid Thomas being minded to surrender the Indenture aforesaid so made to him as is aforesaid to be cancelled and the same Indenture before the Chancellor and Council of the aforesaid Duchy in the chamber of the same Duchy at Westminster hath surrendered to be cancelled and it there is cancelled to the intent that the aforesaid Lord the King would graciously vouchsafe to grant the aforesaid town and lordship of Liverpool with the appurtenances in the county of Lancaster aforesaid, and all and every other the premises above specified in the aforesaid Indenture for a term of years to the aforesaid William Molyneux and Richard Molyneux son of the same William by another Indenture under the seal of his Duchy aforesaid Whereupon the same Lord the King by the advice and assent of his Council of his Duchy of Lancaster aforesaid hath granted demised and to farm let to the aforesaid William Molyneux and Richard Molyneux the aforesaid town and lordship of Liverpool, with the appurtenances in the county of Lancaster aforesaid and also one ferry boat and passage over the water of Mersey, and the butchers shambles there, and also the stallage and tolls of the market and fairs, with the perquisites of the Courts in Liverpool aforesaid and also the customs and anchorage or keil-toll of the water of Mersey within the lordship of Liverpool aforesaid and one windmill called Acres Myll and another windmill called Wavertre Mill within the lordship of West Derby parcel of the aforesaid Duchy in the county of Lancaster aforesaid; To have and to hold the town and lordship aforesaid and the rest of the premises with the appurtenances, to the aforesaid William and Richard and their assigns from the Feast of Saint Michael the Archangel last past before the date of these presents unto the end of the term of 21 years from thence next ensuing and fully to be completed. Rendering therefore, &c. that is to say for the farm of the town and lordship aforesaid and also for the aforesaid ferry boat with passage over the water of Mersey, with the butchers shambles, and for the farm of the stallage and tolls of the market and fairs with the perquisites of the Courts of Liverpool aforesaid and also for the farm of the customs and anchorage or keyl-toll of the water of Mersey within the lordship of Liverpool aforesaid, £. 14 for the ancient farm, and 6 *s.* & 8 *d.* beyond for the last ancient increase by the year and for the farm of the mill called Acresmyll aforesaid 20 *s.* and for the farm of the mill called Wavertre Myll 20 *s.* sterling as it hath been answered to the Lord the King at the Feasts of Easter and of St. Michael the Archangel in equal portions: And the same farmers and their assigns shall repair sustain and maintain all and every the premises at their own costs and charges in all the repairs which belong to the Lord the King and his heirs in the same during the aforesaid term, and shall leave all the same at the end of the same term well and sufficiently repaired and sustained in all things; and if it shall happen, &c., for 40 days, &c. In testimony whereof, &c. Given at London, on the 24th day of November, in the 37th year of the reign of King Henry the 8th.

Appendix, No. 10.

(No. 62 A.)

DUCHY OF LANCASTER.

A. D. 1553. Among the Ministers' Accounts of Lancashire in the reign of King Edward the Sixth.

Lancashire. The accounts of all and singular the ministers there accountable of the 6th year of the reign of King Edward the Sixth.

Liverpool. The account of Richard Molyneux, the farmer there during the time aforesaid.

Arrears.—None, as appears at the foot of the account for the year next preceding.

The sum - - - None.

Rents and Farms.—But he answers of 14*l.* 6*s.* 8*d.* for the farm of the town and lordship of Liverpool, with the appurtenances, in the county of Lancaster, and also of one ferry-boat and passage over the water of Mersey, and the butchers shambles there, and also the stallage and tolls of the market and fairs, with the perquisites of the courts there, and also the customs and anchorage or key tolls of the water of Mersey within the lordship of Liverpool aforesaid, parcel of the duchy of Lancaster, in the county of Lancaster, so demised to the aforesaid William Molyneux and Richard Molyneux his son, among other things, by indenture under the seal of the Duchy of Lancaster, dated on the 25th day of November in the 37th year of the reign of King Henry the Eighth. To have and to hold the town and lordship aforesaid and other the premises with the appurtenances to the aforesaid William and Richard and their assigns, from the feast of Saint Michael the Archangel last past before the date of the indenture aforesaid, unto the end of the term of twenty-one years thence next ensuing and fully to be completed. Yielding therefore yearly 14*l.* of the ancient farm, and 6*s.* 8*d.* more of the last increase yearly, at the feasts of Easter and Saint Michael the Archangel, by equal portions; and the same farmer and his assigns are charged with all repairs which appertain to the lord the King and his heirs, &c. With a clause for re-entry for non-payment of the farm aforesaid for forty days, &c. This being the seventh year of his term.

The sum - - - 14*l.* 6*s.* 8*d.*

The sum of the farm aforesaid 14*l.* 6*s.* 8*d.* which he hath paid over to Sir Thomas Holcroft, Kt., the particular receiver of the lord the King there, of the issues of his office this year, by acknowledgment of the said receiver upon this account before the auditor.

DUCHY OF LANCASTER.

Among the Ministers' Accounts of Lancashire in the reign of King Edward the Sixth and Queen Mary.

Lancashire; the office of the receiver there. The account of Sir Thomas Holcroft, Knight, the particular receiver of the Lady the Queen there, accounting from the feast of Saint Michael the Archangel, in the sixth year of the reign of the late King Edward the Sixth, until the same feast of Saint Michael the Archangel then next ensuing, in the first year of the reign of Mary, by the grace of God, now Queen of England, France, and Ireland, Defender of the Faith, and on earth supreme head of the English and Irish Church, to wit, for one whole year.

As below.

Arrears.—The same accountant renders account of 106*l.* 6*s.* 4*d.*, for the arrears of the last account for the year preceding as appears at the foot of the same.

The sum - - - 106*l.* 6*s.* 4*d.*

Liverpool. And he answers of 14*l.* 6*s.* 8*d.* by him received of Richard Molyneux, Esqre. the farmer there, of the issues of his farm of this year, as appears upon his account thereof, made, shewed, and examined.

The sum - - - 14*l.* 6*s.* 8*d.*

(No. 63.) Appendix, No. 10.

DUCHY OF LANCASTER.

FROM the BOOK of GRANTS, 25 to 28 Eliz. Fol. 268.

Molyneux, Richard, Liverpool. A. D. 1586.

THIS INDENTURE made between the most excellent Princess and Lady, the Lady Elizabeth, by the Grace of God, of England, France, and Ireland, Queen, Defender of the Faith, &c., of the one part, and Richard Molyneux, Knight, serjeant of the said Lady the Queen, and son of William Molineux, Esquire, now deceased, of the other part, Witnesseth, that whereas the Lord Philip and the Lady Mary, late King and Queen of England, by their Indenture sealed with the seal of their Duchy of Lancaster, bearing date the 21st day of March in the 1st and 2d years of their reigns, did grant, demise, and to farm let to one Richard Molyneux, Knight, now deceased, and William Molyneux, then son of the aforesaid Richard, Esquire, the town and Lordship of Liverpool, with the appurtenances in the county of Lancaster; and also one ferry-boat and passage over the water of Mersey, and the butcher's shambles in the said town of Liverpool; and also the stallage and tolls of the fair and marts, with the perquisites of the courts in Liverpool aforesaid, and also the customs and anchorage of keiltoll of the water of Mersey and within the aforesaid town or lordship of Liverpool aforesaid; and one windmill called Acres Myll, and another windmill called Wavertree Mill, within the manor or lordship of West Derby, parcel of the duchy aforesaid, in the said county of Lancaster; To have and to hold the aforesaid town and lordship and other the premises with the appurtenances, to the before-named Richard Molyneux, Knight, and William Molyneux, son of the aforesaid Richard, and their assigns, from the Feast of the Annunciation of the Blessed Virgin Mary thence next following after the date of the said reciting Indenture, unto the end of the term of forty and one years thence next following and fully to be completed. Rendering therefore thence annually to the before-named Lord the King and the Lady the Queen, and the heirs and successors of the said Lady the Queen, that is to say, for the aforesaid town and the lordship aforesaid, and also for the aforesaid ferry-boat with the aforesaid passage over the aforesaid water of Mersey, with the aforesaid butcher's shambles; and for the aforesaid farm of the stallage and tolls of the fair and markets, with the aforesaid perquisites of the courts of Liverpool aforesaid; and also for the aforesaid customs and anchorage of keiltoll of the aforesaid water of Mersey within the aforesaid lordship of Liverpool, 14*l.* for the ancient farm, and 6*s.* and 8*d.* beyond for the last ancient increase by the year, and for the aforesaid mill, called Acres Myll, 20*s.*, and for the aforesaid myll, called Wavertre Myll, 20*s.* of lawful money of England, as it was then answered to the said Lord the King and the Lady the Queen, at the feasts of Easter and Saint Michael the Archangel, by equal portions. And further to do as in the same Indenture is more fully contained, of which same, Richard Molyneux, Knight, and William Molyneux, son of the aforesaid Richard, the right, title, term of years, and interest of and in the premises, the before-named Richard Molyneux, Knight, son of the aforesaid William Molyneux, now deceased, now hath, as the before-named Lady the Queen is now given to understand, and by this pretext is now possessed of the premises, and so being thereof possessed is now minded to surrender and give up the aforesaid indenture, and all his right, title, term of years, and interest of and in the premises, into the hands of the said Lady the now Queen, and the same Indenture, and all his right, title, term of years, and interest of and in the premises now, that is to say, in the term of Saint Michael, in the 28th and 29th year of the reign of the said Lady Queen Elizabeth, the same Richard Molyneux, Knight, before the chancellor and council of the duchy aforesaid, in the chamber of the same duchy at Westminster, hath surrendered and given up to the same Lady the now Queen to be cancelled, and it is now there cancelled to the intent and effect, that the before-named now Lady the Queen should do her will and pleasure therein; which same surrender the aforesaid Lady the now Queen hath accepted and doth now accept by these presents; whereupon the before-named now Queen, for and in consideration of the surrender aforesaid, and also in consideration of the good, true, and faithful service by the before-named Richard Molyneux, Knight, heretofore performed and hereafter to be performed to the said Lady the Queen, by the advice and consent of her council of her Duchy of Lancaster aforesaid, hath granted, demised, and to farm let to the before-named Richard Molyneux, Knight, son of the aforesaid William, the aforesaid town and lordship of Liverpool, with the appurtenances, in the county aforesaid; and also the aforesaid ferry-boat and passage over the water of Mersey aforesaid, and the aforesaid butcher's shambles in the said town of Liverpool, and also the aforesaid stallage and tolls of the fair and markets, with the aforesaid perquisites of the courts in Liverpool aforesaid, and also the customs and anchorage and kiel-toll of the aforesaid water of Mersey and within the aforesaid town or lordship of Liverpool aforesaid, and the aforesaid one windmill, called Acres Myll, and the aforesaid other windmill, called Wavertree Myll, within the manor or lordship aforesaid of West Derby aforesaid, parcel of the duchy aforesaid, in the said county of Lancaster; To have and to hold the aforesaid town and lordship and other the premises, with the appurtenances, to the before-named Richard Molyneux, Knight, son of the aforesaid William, and his assigns, from the Feast of Saint Michael the Archangel last past before the date of these presents, unto the end of the term of 31 years thence next following and fully to be completed, Rendering therefore thence annually to the before-named Lady the now Queen, her heirs, and successors, that is to say, for the aforesaid town and lordship aforesaid, and also for the aforesaid ferry-boat with the aforesaid passage over the aforesaid

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water of Mersey, with the aforesaid butcher's shambles, and for the aforesaid farm of the stallage and tolls of the fair and markets, with the aforesaid profits of the courts of Liverpool aforesaid; and also for the aforesaid customs anchorage and keiltoll of the aforesaid water of Mersey within the aforesaid lordship of Liverpool, 14*l.* 6*s.* 8*d.*, and for the aforesaid mill, called Acres Myll, 20*s.*, and for the aforesaid mill, called Wavertree Mill, 20*s.*, of lawful money of England, as it is answered to the aforesaid Lady the now Queen, at the Feasts of the Annunciation of the Blessed Virgin Mary and St. Michael the Archangel, by equal portions yearly, to be paid during the term aforesaid: And the before-named Richard Molyneux, Knight, for himself, his heirs, executors, administrators, and assigns, doth covenant and grant to and with the before-named Lady the now Queen, her heirs and successors, by these presents, that he, his executors, administrators, and assigns, will well and sufficiently repair, sustain, build, and maintain the aforesaid mills, and all and singular other the premises whatsoever and every parcel thereof, and also all and all manner of necessary repairs whatsoever of, in, and upon the premises and every parcel thereof, or in anywise concerning the premises or any parcel thereof, as well in mill-stones as otherwise, from time to time, at their own costs and expenses, as often and in all places where it shall be necessary or needful during the term aforesaid; and at the end of the same term shall leave the same so well and sufficiently repaired, sustained, built, made, and maintained in all things and respects. And if it shall happen, &c., or this Indenture shall not be inrolled within one year, &c. In witness whereof, &c. Given at the Palace at Westminster, as well under the seal of the county palatine of Lancaster as under the seal of the Duchy of Lancaster aforesaid, on the 28th day of October in the 28th year of the reign of the said Lady Queen Elizabeth.

By the Council of the Duchy of Lancaster aforesaid,

Tusser.

(No. 64.)

EXTRACTS from the ACCOUNTS of the Stewards of the *Molyneux* Family, from the Year 1581 to the Year 1685.

1581.		
Sefton, with other things, in the County of Lancaster.	View of Account of all and singular Lordships, Manors, Lands and Tenements belonging to Richard Molyneux, Esquire, for one whole year, ended at the Feast of Saint Michael the Archangel, in the 23d year of the reign of Queen Elizabeth, as appears within.	
Lands in West Derby, holden by copy of—	The Account of Thomas Abbey, Accountant for the time aforesaid.	
	Upon The Mayor of Leverpole, for the rent of the Customeship of Leverpole aforesaid, in arrear and unpaid for half a year ended at the Fest of Saint Michael the Archangel, in the 23rd year of the reign of Queen Elizabeth -	£. 6. paid after the account closed.
1589.		
Sefton, with other lands pertaining to Richard Molineux, Knight, in the County of Lancaster.	View of Account of all and singular Bailiffs and other Ministers there accountable for the 31st year of the reign of Elizabeth, the now Queen, as appears within.	
Town of Liverpole - -	The Account of Nicholas Fazakerley, Gent., Bailiff there for the 31st year of the reign of Queen Elizabeth:	
	Arrears of the last Account of the year next preceding -	- 5*s.* 6*d.*
	Rent and Farm of the Customs there in this 31st year of Queen Elizabeth - - - - - - - - -	£. 37. 17*s.* 4*d.*
	Sum Total - - - £. 38. 2. 10. thereof.	
	To the Receiver for rent there, as in the preceding - -	£. 14. 6*s.* 8*d.*
	Reward given to Robert More, gentleman, as in the preceding - - - - - - - - - -	- 40*s.* -
	To the Clerk of the Receiver, for Acquittance - - -	- - 8*d.*
	Sum - - - - - - - - £. 16 7 4 And he owes - - - - - 21 15 6	
	Upon Robert Ball, for the Customeship, £. 20. Paid thereof to Richard Barker, £. 10. And he owes £. 10.	

1590.

Sefton, with other lands in the County of Lancaster, pertaining to Richard Molyneux, Knight.

General Title of this Book is torn off.

Town of Liverpole - -

The Account of Nicholas Fazakerley, Gent., Bailiff there for 32d year of the reign of Queen Elizabeth.

Arrears - - - - -

The same renders Account for Arrears of the last account next preceding - - - - - - - - - - - - 8 *s.* -

Rent and Farm of the Customs by the year - - - £. 37. 17 *s.* 4 *d.*

Sum, £. 38. 5. 4. whereof—

To the Receiver for Rents there, as in the preceding - £. 14. 6 *s.* 8 *d.*

Reward or Pension given to Robert More, gent., as in the preceding - - - - - - - - - - - 40 *s.* -

To the Clerk of the Receiver, for Acquittance - - - - - 8 *d.*

Sum of Allowances this year - £. 16 7 4
And he owes - - - - - 22 18 -

Of which are respited to him 15 *s.* above charged in the sum of £. 37. 17. 4. of rent issuing from a certain parcel of land in the occupation of John Hewet, at 3 *s.* per annum, in arrear and unpaid for five years, ended in the Feast of Michael the Archangel in the 32d year of Queen Elizabeth, because before the Accountant nothing is found upon the aforesaid parcel of land whereof the aforesaid 15 *s.* can be levied, and therefore are placd in respite.

And he owes £. 21. 3. whereof

Robert Ball, for rent of the Customs aforesaid - - - £. 20 - -

Of which paid to Richard Barker the 28th day of June 1590, for rent of the first half-year in the Feast of Easter, £. 10.; and he owed £. 10. paid to the Receiver,

And it is balanced.

Upon - -

The same Accountant, for his own Arrears in this 32d year of Queen Elizabeth - - - - - - - - - - - 8 *s.* -

Of which to him 8 *s.* of moneys charged under the title Arrears, because the aforesaid 8 *s.* were paid to the aforesaid Richard Barker within the time of his account for the 31st year, and therefore placed in exoneration.

And he owes 15 *s.*

Paid to the Receiver, and it is balanced.

1598.

Sefton, with other Lands, in the County of Lancaster, pertaining to Richard Molyneux, Knight.

View of Account of all and singular Bailiffs and other Ministers there accountable for the 40th year of the reign of Elizabeth, the now Queen, as within appears.

1598.

The Town of Liverpole -

Account of Nicholas Fazakerley, gentleman, Bailiff, 1598:

Arrears - -

The same renders Account of Arrears of the last Account of the year preceding - - - - - - - - - —

Rent and farm of the Customs there by the year - - £. 37. 17 *s.* 4 *d.*

Sum of the charge aforesaid, of which

Allowed - -

To him for money paid to the Receiver of the Dutchy of Lancaster for the Customs aforesaid by the year - - £. 14. 6 *s.* 8 *d.*

	To the Clerk of the Receiver for searching acquittances for receipts of Rent by the year - - - - - -	- - 8*d.*
	To the Clerks of the Auditor for the Chequer Fees - -	- 3*s.* 4*d.*
	Sum of Allowances - - £. 14 10 8 And he owes - - - - £. 23 6 8; whereof—	
Upon - - - - -	The Bailiffs of the Town of Liverpole for Rent of the Customs there, for one year, ended in the feast of St. Martin, 1598 - - - - - - - - - -	£. 20. - - charged to the Receiver.
	The same Accountant for his own Arrears this 40th year of Queen Elizabeth - - - - - - - - -	- 66*s.* - charged in the Receiver's account.
1603.		
Sefton, with Croxteth and other Lands, in the County of Lancaster, pertaining to Richard Molyneux, Kn^t^ 1603	"The geñ Table is due, the first quarter is the last of November, the second the last February.	
Lyverpooll, the Custome ther - - - - -	Rec. of the Mayor and Balyffes of Lyverpooll for Custom Rent, dew at the Nateveytie of our Lord God last paste, the second daye of Januarie - - - - - -	£. 10. - -
	R^t^ of the Maior and Balyffes of Lyverpooll for Custome Rent, dew there at Mydsomer last past, 1604 - -	£. 10. - -
Town of Liverpoll - -	Received of Nicholas Fazakerley, of Walton, gentleman, the xxiiij^th^ day of October 1603, in pte of payment of —— for the Bottes - - - - - - - - - -	£. 4. - -
	R^t^ y^e^ xiij^th^ daye of June in pte of payment for the Bottes, dew them at Pentecost laste paste - - - - -	£. 4. - -
Sefton, and other Lands and Tenements, in the County of Lancaster, pertaining to Sir Rich^d^ Molyneux, Knight.	View of Account of all and singular Lands and Tenements there for the second year of the reign of James now King of England, and of Scotland the 38th.	
	1604.	
	View of Account of Nicholas Fazakerley, gent., Receiver there, accounting for one whole year, ended in the feast of Saint Martin, in the second year of the reign of James now King of England, &c., and of Scotland the 38th.	
Town of Lyverpole - -	Of the same Nicholas Bailiff - - - - - - -	£. 35. 5*s.* 7*d.*
	The Booke of Accompte of Nicholas Fazakerley, for all soutche Money as he hath reseved and paid for is M^r^ S^r^ Rychard Mollineux, Knighte, for one whole year ended at Martinmas, in the second year of the reign of the now King James, and of Scotland the 38^th^	
	1604.	
Liverpoell - - -	R^t^ the daie and year above said of the said Nicholas Fazakerley - - - - - - - - -	- 65*s.* 7*d.*
Custom of Liverpoell -	R^t^ the of the Maio^r^ and Balyffes ther, for one halfe yeares Rent then due at Martynmas last - - -	£. 10. - -
	Rents due at our Ladie daie and Pentecoste.	
	1604.	
Liverpoell - - -	Item of the said M^r^ Fazakerley for the Ferie Bottes at the foresaid Ladie daie - - - - - - - -	£. 4. - -
	Item R^t^ of the Balyffes of Liverpoell for one halfe yeares Rent for the Costom of Liverpoell due at our Ladie daie laste - - - - - - - - - - -	£. 10. - -

1603 & 1604.				
Of arrears, Sefton with others.	No Title to this Book farther than the marginal Note.			
Lyverpoell Bottes - -	R[d] of Mr. Fazakerley the xxiij. of October in pte of paym[t] for the Ferie Bottes, dew at Mychaelmas laste paste -	£.4.	–	–
Custome of Lyverpoill -	R[d] the ij. daije of Januarie, of the Mayor and Balyffes there, for on halfe yeres Custom, dew at the Natevittie of our Lord last paste - - - - - - - - -	£.10.	–	–
Lyverppoill - - -	R[d] the xiij. daye of June, of M[r] Fazakerley, Balyff there, in pte of paym[t] of the Rents for the Bottes, dew at the Annunciation of our Ladie laste paste - - - -	£.4.	–	–
Lyverpoill, the Costome theare - - - -	R[d] of the Maior and Balyves of Lyverpoell, for one halfe yeares Rent for Custome theare, due at Mydsomer last past, 1604 - - - - - - - - - -	£.10.	–	–
1605.	The Booke of Accompte of Nycholas Fazakerley, for all souche Somes of Money as he hath reseved and paied for his M[r] S[r] Rychard Mollinux, Knighte, for one howell year endit at Martinmas anno tertio r̃ R̃ Jacobi et Scotie xxxix. 1605.			
Lyverpoell - - -	R̃ of the said M[r] Fazakerley for tharr' of his laste yeres Accompte, 1604. for thissues of his office, 65[s] 5[d] and for the Ladie daie Rent of the Bottees Ferie - -	£.vij.	v[s]	v[d]
	R̃ of the Baleyffes of Liverpoell the xxvj[th] of Januarie 1604, for the arrear hanginge upon their hands at the laste Accompte - - - - - - - - - -	£.10	–	–
	Pentecoste Rents, 1605.			
Liverpoell - - -	R̃ of the said M[r] Fazakerley, Balyffe there, for O[r] Ladi daie Rentes for the Ferie Botes, the ij. day of Aprill 1605 -	£.4	–	–
	1606. Nicholas Fazakerley.			
	The Booke of Accompte of Nij . . . . . for all souche somes of money . . . . . reseved and paid for his M[r] . . . . . Mollieneux Knighte for one ha . . . . . ended at Martinmas anno quarto . . . . . Jacobi nunc et Scotie xl°. 1606.			
Lyverpoell - - -	R̃. the same tyme of the said M[r] Fazakerley, of th'arrear hanginge upon his laste accompte - - - - -	£.3	2*s*.	3*d*.
Itm - - - -	R[d] the iiij[th] daie of Auguste and the xviij. daie of Januarie 1605, for the arrear hanginge upon the honds of the Balyffes of Liverpooll upon the laste accompte - - -	£.20	–	–
	Pentecoste Rents, 1606.			
Liverpooll - - -	Itm the fore said daie (9[th] of April) rec[d] of him (M[r] Fazakerley) for the Ferrie Bottes dew at our Ladie daie laste	£.4	–	–
	R[d] the xxviij[th] daie of June 1606, by me for one halfe years Costom dewe at Pentecoste laste - - - - -	£.10	–	–
	" The Booke of Accompte of Nycholas Fazakerley for all soutch somes of money as he hath reseved for his M[r] S[r] Rychard Molienux, Knighte, for one howell yeare ended at Martinmas anno quinto r̃ R. Jacobi nunc et Scotie xlj° 1607.			
	" 1607. Nicholas Fazakerley."			
Liverpoell Costome - -	R[d] the x[th] daie of Januarie 1606, from the Maior and Baleyves ther, for one halffe yeare's Rent, dew at and before the Natevetie of our Lord laste paste - - - -	£.10	–	–

(*continued*)

Feribottes of Liverpoell -	R[d] the xiij[th] daie of Apriell 1607, of Heugh Rosse, for the Bottes, dew at our Ladie daie laste - - - - -	£.4	-	-
Custom of Liv[r]poole - -	R[d] the iiij[th] daie of Julie 1607, of the Maior and Baleyves there for one half years Rent dew at or before the feste of S[t]. John Baptiste laste paste - - - - - -	£.10	-	-
1607.	No title to this Book.			
Liverpoell, Custome theare	R[d] the daie of Januarie 1607, of the Maio[r] and Baleyves of Liverpool, for one halffe yeare's Rent ther dew at and before Christianmas laste paste, tenne pounde	£.10	-	-
Liverpoell Custome - -	R[d] the xxix daie Julie, of the Maior and Baleyves theare, for one halffe years Rent ther dew at and before Mydsomer daie laste, tenne pounde - - - - - -	£.10	-	-
1607-8.	No title to this Book.			
Costom of Liverpoell -	R[d] the daie of Januarie 1607, of the Maio[r] and Baleyves of Liverpool, for one halfe yeares Rente ther dew at and before Christianmas laste, tenne pounde -	£.10	-	-
	R[d] the x[th] daye of Auguste 1608, for a full discharge of all arr six shiling three pence of M[r] Nicholas Fazakerley -	-	6*s.*	3*d.*
Costom of Liverpoell -	R. the xxix[th] daye of July 1608, of the Maio[r] and Baleyves there, for one halfe yeare's Rente dew at or before the feste of S[t]. John Baptiste laste, tenne pounde - -	£.10	-	-
	"Jheus amen an[o] Dñi 1608, r. R. Jacobi sexto. The Audit did breke upe the xix[th] daie of Auguste 1608, so that this boke is to be accompted for in anno 1609.			
Liverpoill Custome - -	R the xxj. daie of Januarie 1608, of Roger Hey, one of the Baleyves ther, for one halfe yeares Rent for Costome, thear dew at Michaelmas laste paste, tenne pounds	£.10	-	-
Liv[r]pool - - - -	R of Lancelet Walker, of the Rent thear dew for the frye Bottes at our Ladie daie in Lent laste, 1609, fortie shillinges - - - - - - - - - - - -	£.4	-	-
	I must answere for the other xl[s], becawes I reseved pte of the comodittie.			
	R the xxv[th] of Julie 1609, for Custome dew at Midsommer laste, tenne pound - - - - - - - -	£.10	-	-
	1609.			
Sefton, Croxteth, &c. -	Th'accompte of James Farroer, Ballif there for the seventh year of the reign of James, by the Grace of God King of England, France and Ireland, Defender of the Faith, and of Scotland the xliij. 1609.			
Custome of Liv[r]pool - -	R the xxi[st] day of January 1609, of Rodger Hey, one of the Balyffes there, for one halfe yeare Rente, dew at Michaelmas laste, tenne poundes - - - - - -	£. 10	-	-
Lyverpoole for the Ferry Boate.	R of Lancelotte Walker, of the Rents there due, for the Ferrye Boatts, at the Annunciation of Marie laste, 1609, fortie shillinges; also paide for the other halfe for that parte which I have received for fortie shillinges - -	£. 4	-	-
Custome of Lyverpoolle -	R the xxv[th] day of Jully, of Rodger Hey, one of the Ballyffes there, for one halfe yeare Rente, due at Midsomer laste - - - - - - - - - - -	£. 10	-	-
Sefton, with others - -	Debts outstanding on the view of the Accounts of Nicholas Fazakerley, Gent. Receiver there for the eighth year of King James of England, and of Scotland the forty-fourth, as follows:			
Les Customes - - -	Ball. de Liv[r]pole - - - - - - - - -	£. 10	-	-

Sefton, with others - -	Debts remaining in the Accompte of Nicholas Fazakerley, Gent. Receiver there, for the ninth year of the reign of James now King of England, and of Scotland the 45th, as within appears, 1611.	
Les Customes de Liverpole	The Bailiffs of Liverpole, in arrear and unpaid for the Rent and Farm there, on the feast of St. Martin, 1611 - -	£. 10 - -
	A Booke of Receipts and Payments, 1611 and 1612, ending the 7th day of October. Nicholas Fazakerley.	
Le Custome de Li℞poll -	The 25th of December. ℞. of the Mayor and Balives ther, for the Rents ther due at Christmas - - - - -	£. 10 - -
Liverpooll Ferie Boats -	℞ of George Woods, of the Rents due at our Ladie-daie on the xxvjth of June 1612 - - - - - - -	£. 4 - -
Custome of Liverpool -	℞ of the Mayer and Baleves ther, for the Rent due at Midsomer last - - - - - - - - - -	£. 10 - -
	Booke of a . . Receipts and Payments as haith beene received and paied since the last Audyth. By mee, Nicholas Fazakerley.	
	The iij of Februarie 1612.	
Customes of Liverpooll -	Receved of the Mayer and Baleves ther, of the Rents ther due at or before Christmas last - - - - -	£. 10 - -
	The xjth of April 1613.	
Liverpooll Ferrie Boats -	Receved of George Morris, of the Rent due for them at our Ladie day last - - - - - - - -	£. 4 - -
	The xxiiijth of Julie.	
Custome of Liverpooll -	Received of the Mayor and Baleves of Liverpooll, for one half yeares Rent due at Midsomer last - - - -	£. 10 - -
1612.		
Custom of Liverpool	℞ the x day of Januarie from the Mayor and Baleyves, for one half yeare's Rent, dew at or before the Nativetie of our Lord last past - - - - - - - -	£. 10 - -
1613, 1614.	The seconde day of January 1613.	
Custom of Lyverpolle -	℞ of the Maior and Balyffes, of the Rent due at or before Christmas last, the sum of - - - - -	£. 10 - -
	The xviij day of July 1614.	
Custom of Lyverpooll -	Rd of the Mayor & Balyffes there the Rent due at Midsomer last - - - - - - - - - -	£. 10 - -
	Title lost by decay.	
1614.	The viijth of February 1614.	
Liverpooll - - -	Receved of George Woods baill ther, of the Rents ther due to my mr at Mychaelmas last - - - - - -	£. 3. 3 *s.* 7 *d.*
	The xxi of September 1615.	
Liverpooll Ferry Boats -	Receved of George Woods baill there of the Rents ther due at our Ladie daie last - - - - - - - -	£. 4 - -

View of Accompt of all and singular Bailiffs and other Ministers there accountable for the twelfth year of the reign of James now King of England, and of Scotland the 48th, as within in these presents follow, 1614.

Lyverpole - - -

George Wooddes, bailiff there, renders accompte for rent ther and beyond, xiiij^{li} xij^{s} viij^{d} paid to divers persons - £. 27 4*s.* 8*d.*

Arrears - - - - - - - £. 0 65*s.* 10*d.*

} £. 30. 11*s.* 6*d.*

Of which are respited to him xvj^{s} iij^{d}, with xiij^{d} for this year as in the preceeding.

And he owes xxix^{li} xv^{s} iij^{d} thereof, paid to the Receiver, xiiij^{li} of the issues of his office in this year 1614, and he owes xv^{li} xv^{s} iij^{d}.

Whereof—

Super - - - - -

Divers persons as in the preceding - - - - - - 51*s.* 8*d.*

The Bailiffs of Liverpole for Rent of the Customs due at the feast of S^{t}. Martin, 1614 - - - - - £. 10 – which is charged in the Account of the Receiver there this year 1614.

The same Accountant for his own Arrears in this year 1614 – 63. 7*d.* which is charged in the Accompt of the Receiver there for this year.

A.D. 1634.

This Book has no Title, nor is it legible.

1636.

This Book has no Title or Signature, and is much obliterated.

The Mayor and Bailiffe of Liverpoell, for Rent of the Custom due in the Feast of S^{t} Martin, 1636 - - - £. 10

Sefton, with the Manors, Lands, and Tenements, in the County of Lancaster, pertaining to Richard Viscount Molyneux.

View of Accompt of all and singular Bailiffs and other Ministers there accountable, of this 14th year of King Charles, as in these presents follow.

Liverpooll - - -

Robert Fazakerley, gent., Bailiff there, renders Accompt for Rent there, by the year, beyond xiiij^{li} xij^{s} viij^{d} paid to divers persons by the year - - - xxvij^{li} iiij^{s} viij^{d}

Arrears in the year next preceding - - xxxiiij^{li} xij^{s} x^{d}

} lxj^{li} xvij^{s} vj^{d}

of which are respited to him xlij^{s} iij^{d}, xiij^{d} for this year, as in the preceding,

and he owes lix^{li} xv^{s} iij^{d}.

Whereof—

Divers persons, as in the proceeding - - - - lj^{s} viij^{d}

Super - - - -

The Mayor and Bailiffs of Liverpool, for Rent of the Customes, &c., for two years and a half, ended in the feast of Saint Martin, 1638 - - - - - - - - £. 50

The same Accountant, for his own Arrears for this year 1638 - - - - - - - - - - £. 7 3*s.* 7*d.*, which he hath paid to the Receiver at divers times.

1648.	A Booke of Receipts and Payments of the Rents and Revenues belonging to the Right Hon^{ble} Richard Lord Viscount Molyneux, for the year 1648. By Nicholas Fazakerley. Liverpool, no Account.	
1652. 1657. 1658. 1660.	Similar Books of Account, with the title Liverpool in the margin, as above, but without any account.* *N. B.* This absence of Account is explained by the following Order of Parliament: " Die Mercurii, primo Octobris 1645. " The Earl of Warwick reported, that the Committee hath considered the Ordinance concerning Liverpoole, and they thinke it ready to passe as it came from the House of Commons, and therpon it was read and agreed as follows: " Whereas a Windmilne and Ferry Boates, formerly belonging to the Corporation of Leverpoole, were lately in the possession of Richard Lord Mollineux, who is in hostility against the Parliament; and by his power with the Lord Cottington (late Master of the Court of Wards and Livereys), brought a vexatious Suite against the said Corporac̃on, to their great Damage and Impoverishment; And whereas all the Writings and auncient Records belonging to the said Corporac̃on were taken away when that Towne was taken by the enemy (considering the exceeding great Losses and Sufferings of the said Towne), and to the end that the said auncient Rights of the said Corporac̃on may be restored, and those priviledges whereof they are and long have been in possession may be continued and remaine inviolable: " The Lords and Commons assembled in part doe order and ordaine, And be it ordered and ordeyned, That the said Corporation shall have, hould, and enjoy the said Winmilne and Ferry Boats, and the Rent of £. 20 per annum, formerly paid by the said Corporac̃on to the said Lord Mullineux, till both Houses take further order. " And it is hereby further ordered and ordeyned that all other Rights, Powers, Priviledges, Libertyes and Franchesm^{ts} whatsoever, conteyned in the Charters of the said Corporation, shall bee and continue to the said Corporac̃on, saving to the Kings Ma^{ty}, his Heirs and Successors, and all other person and persons, Bodyes Politique and Corporate, other then the said Lord Mulleneux and his Heirs, all their Rights, Tytles and Interests whatsoever."	

* Among the Disbursements in 1660, is the following Item: " June 16. For my charges att Liv^{pooll}, to demand of the Maior, &c., the Rent and fermer Dues for the use of the Countesse of Southampton, xviij^{d}."

1663.	Nicholas Fazakerley, Receiver.	
Liverpooll, Sept. 11, 1663	Rec^{d} of Nich. Valentyne, of the Burgage Rents there due the years 1661 and 1662 - - - - - -	£. 3. 18 *s.* 5 *d.*
Sept. 11 -	Rec^{d} of M^{r} Corles the rem^{r} of the Burgage Rents for the year 1661 - - - - - - - - - -	£. 7. – 6 *d.*
Octob: 2 -	Rec^{d} of the Maior and Baylives of Liv^{pooll} the Rent due for the Townes Customes for one yeare ended at Mich̃as last - - - - - - - - - - -	£. 20. – –
Dec. 16 -	Rec^{d} of M^{r} Ayndoe, the Burgage Rents there due for one halfe yeare, ended at Mich̃as 1660 - - - -	£. 6. 2 *s.* 10 *d.*
	1665: Nich. Fazakerley, Receiver. A true and perfect Accompt of all Sume and Sumes of Money received and paid by Nicholas Fazakerley, Receive^{r} of the Rents and Revennewes belonging to the Right Hon^{ble} Caryll Lord Viscount Molineux, in the Counties of Lancaster and Chester, from the fyve and twentieth day of March, in the Year of our Lord God 1665, unto the fyve and twentieth day of March 1666.	
Liverpool, July 26, 1665.	Rec^{d} of Tho: Ashbrooke, the Rent due for the Boats att Liv^{pool} for one year, ended att Lady day 1665 - -	£. 8. – –

(*continued*)

	July 5 -	Item paid unto John Hall, Messenger, by order from Sir Ralph Ashton, the Rent due to his Ma^{ty} for the office of M^{r} Forester, of West Derby, for one halfe yeare, ended at Lady day last - - - - - - - - -	£. 8.	14 *s.*	1¾ *d.*
		Itm̃ paid unto him the Burgage Rents due for Li℣pooll the same tyme - - - - - - - - - -	£. 7.	3 *s.*	4 *d.*
	Octob. 15 -	A similar Entry - - - - - - - - -	£. 7.	3 *s.*	4 *d.*

A Book headed as the preceding, from 25 March 1667 to 25 March 1668.

Octob. 16, 1667.

Liverpool - - -		Rec^{d} of M^{r} Ayndoe, the Burgag Rents in Li℣pooll, due for one yeare, ended at Michas last - - - - - -	£. 12.	6 *s.*	6 *d.*
	Oct. 16 -	Re^{d} of Thomas Bixteth & John Bulkeley, Baylives of the Towne of Li℣pooll, for profitts of the Towne of Li℣pooll, due for one yeare ended at Michas last - - - -	£. 20.	–	–
	Dec. 4 -	Rec^{d} of Ralph Langshawe, Richard Wyndle, & Isabell Sutton the Rent due for the Boats there for 2 yeares and a halfe, ended at Michas last - - - - - -	£. 20.	–	–
			£. 052.	06 *s.*	6 *d.*

Paym^{ts} & Disbursem^{ts}

	Apr. 23 -	Itm̃ unto M^{r} Dryver, Deputy Receiv^{r} my Lordes Rent, due to his Ma^{ty} for the yssues of M^{r} Forrestar of West Derby, for one halfe yeare, ended att La. day last - - -	£. 8.	13 *s.*	1¾ *d.*
		Itm̃ paid unto him the Rent due for Li℣pooll the same tyme	£. 7.	3 *s.*	4 *d.*
	Octob. 19 -	Itm̃ paid unto him the Fee-Farme Rent due for Li℣pooll for the same tyme - - - - - - - -	£. 7.	3 *s.*	4 *d.*

The totall of the Receipts is - - 2,500 02 0b ¼
The totall of the Disbursem^{ts} - - 2,500 02 10

And so the Accountant is in surplusage, ix^{d} 1^{qr}

Nicholas Fazakerley."

A Book headed as the preceding, from 25th March 1669 to 25 March 1670.

Octob. 6, 1669.

Liverpooll - - -		Rec^{d} of M^{r} Atherton & M^{r} Bushell, Baylives of Li℣pooll, the Rent due for the Toll and other Proffitts ther for the yeare ended at Michas last - - - - - - -	£. 20.	–	–
	Oct. 13 - -	Rec^{d} of M^{r} Blackmore the Burgage Rents there for one yeare ended at Michas last - - - - - - -	£. 12.	7 *s.*	–

Paym^{ts} and Disbursm^{ts}

	Octob. 15 -	Itm̃ paid unto him (M^{r} Dryver, Deputy Rec^{r}) the Fee-Farme Rent due to his Ma^{ty} for the Lod^{p} of Li℣pooll for the same tyme - - - - - - - - -	£. 7.	3 *s.*	4 *d.*
	May 25 -	Item paid for 90 foot of old planks for a Bridge at Li℣pooll	–	14 *s.*	6 *d.*
		Item for 4 new Planks - - - - - - - -		6 *s.*	–
		Item for other charges of Workmen, &c. &c. - - -			
		Item to M^{r} Weston, for his opinion concerneinge the makeing of a Bridge att Li℣pooll - - - - - -	–	10 *s.*	–
	Oct. 9 - -	Item spent at Li℣pooll upon the Baylives att service of the men that pulled downe the Bridge, and se℣all others, to shew the pties to the Baylives - - - - - -	–	5 *s.*	–

Oct. 15 - -	Item paid unto Mr Driver, Deputy Recr, the Fee-farme Rent due to his Maty for Lrp of Liv̊pooll for the halfe yeare ended at Michas last - - - - - -	£. 7.	3s. 4d.
Nov. 8 - -	Item paid unto Mr Smith, which he gave unto Mr Sergeant Newdigate for advyce about Liv̊pooll Business - -	-	40s. -
	Signed & allowed the 16th day of Aprill 1670. Nicholas Fazakerley.		

A Book headed as the preceding, from 25 March 1670 to 25 March 1671.

Nober 2, 1670:

Liverpooll - - -	Recd of Mr Blackmore, the Burgage Rents there due for one yeare, ended at Michas last - - - - - -	£. 12.	7s. -
	Paymts & Disbursemts.		
Oct. 14	Itm̃, paid more unto him (Mr Dryver, his Matys Deputy Recr), the Rent due for Liv̊pooll for the same tyme -	£. 7.	3s. 4d.
Apl 6	Item, to Mr Andrews, for attending the reference att Liv̊pool, between My Lord and the Towne - - - - -	-	10s. -
May 16	Item, for my charges at Wigan, att the Reference betwene My Lord and Liv̊poole - - - - - - - -	-	5s. 6d.
	Item, to Mr Turner, for Drawinge a certificate twyce over, for the Referees to signe - - - - - - - -	-	5s. -
Aug. 18	Item, paid for my charges at Lancr Assyzes, about the Tryall wth Liv̊pool, and the one halfe of the Charges of a Man to carry the evidences thether - - - - -	-	30s. -
	Item, paid Mr Wm Fazakerley, his charges there as a Witness - - - - - - - - - - - -	-	20s. -
Oct. 14	Item, paid Mr Dryver, his Matys Deputy Receiver, the Rent due for Liv̊pooll, for the halfe year ended at Michas last.	£. 7.	3s. 4d.
	This Account was declared and allowed the fifth day of October 1671. Nicholas Fazakerley.		

Book headed as the preceding, from 25 March 1671 to 25 March 1672.

Liverpool, Octob: 31, 1671	Recd of Mr Blackmore, the Burgage Rents there, due for one yeare, ended at Michas last - - - - - -	£. 12.	7s. -
1671:	Payments in 1671-2.		
April 14	Item, paid for my charges att Lancr Assyzes, about Liv̊pooll Business, and parte of the charges of a man with us -	-	30s. -
	Item, to Wm Turner, for his charges there as a Witness for my Lord - - - - - - - - - - -	-	20s. -
May 24	Item, for my charges to Preston, to the Sheriffe, about the Distringas to the Maior of Liv̊pooll - - - - -	-	6s. 8d.
May 26	Itm̃, to Mr Brydsworth, the Sheriff's officer, for charges of himself & two Baylives, in comeing to Liverpooll to execute the Distringas - - - - - - - -	£. 3.	10s. -
July 3	Item, spent at Liv̊pooll, at the takeing of the Answer of the Burgesses to my Lords Bill in the Duchy - - -	-	2s. 6d.
8	Item, to the Sheriff, for a Warrant upon the Distringas agt the Maior, Baylives, and Burgesses of Liv̊pool, and returne of the Distringas - - - - - - - -	-	7s. -
	Item, to the Sheriffs, Baylives, for execution thereof -	-	33s. 6d.
	Item, to sev̊all psons, for carriage of the Goods away as they distreyned, and appryzing them - - - - -	-	4s. -

(*continued*)

1671:			
July 19	Item, expended at Liv^pooll, att a meeting with S^r W^m Stanleys man, concerning the Boats - - - - -	-	2s. -
Aug. 25	Item, to my charges to Preston at the Rule day, about Liv^pooll Business - - - - - - - -	-	5s. -
26	Item, to M^r Borrow, upon acc^t, to appeare for mee and others in the Common Pleas at Suit of the Maior of Liv^pooll - - - - - - - - - - -	-	5s. -
	Item, for a supsedeas of the Sheriffs Warrant upon the Testat^r - - - - - - - - - - -	-	2s. 4d.
Sept. 8	Item, to my charges at Lancaster Assyzes - - -	-	20s. -
Oct. 4	Item, for my charges at the Treaty and Agreement w^th Liv^pooll, one day at Walton and 2 at Liv^pooll - -	-	10s. 6d.
	Item, to the Clarke, the one halfe for ingrossing the Articles twyce over; one pte to be signed att the Agreement by the Referees, and the other by the Corporation and my Lord - - - - - - - - - -	-	10s. -
	Item, to a Porter for carr^e of M^r Ayndo and M^r Corles Goods, which were distreyned from the castle to their houses, upon the Agreement - - - - - -	-	- 18d
Nov. 9	Item, to John Mosse, for serving Marsh & Whitfield with quo min^s about pulling down the Bridge at Liv^poole -	-	5s. -
1672:			
March 20	Item, given to M^r Ratcliffe of Chester, about drawing of Settlement upon the Articles with Liv^pooll, the one-halfe of the Fee - - - - - - - - - - -	-	20s. -
1672:			
March 20	Item, for Ingrossing the Articles w^th Liv^poll, to be sealed againe to take further time for drawing Settlement -	-	2s. 6d.

Signed by the Steward.

N.B.—In this year the Receipts for the former Rent of the Customs, &c. cease, as do the paym^ts of the Fee-farm Rent to the Crown, Lord Molineux having then purchased the latter, and granted a Lease to the Corporation for 1,000 years, at £. 30 per annum.

A Booke headed as the preceding, from 25^th March 1673 to 25 March 1674.

June 4, 1673:			
Liverpool - - -	Received of John Pluckington, of the Rents there due, in the New Street the yeare last last past - - - -	£. 5.	- -
October 22	Rec^d more of him of the Rents there due this yeare, and for Burgage Rents - - - - - - - - -	£. 12.	15s. -
Liverpool, Octob. 3, 1673	Rec^d of the Baylives of Liv^pooll, the Rent due to my Lord from the Towne, for one yeare, ended att Michas, accordinge to a Lease by my Lord to the Towne - -	£. 30.	- -
Liverpooll, Nov. 19, 1673	Rec^d of Will^m Nicholls, for Rent of the Boats for one yeare ended att Midsumer 1673 - - - - - -	£. 8.	- -

Paym^ts and Disbursm^ts.

Octob. 3	Item, paid unto M^r Sam. Fazakerley, for the use of the Maior, Baylives and Burgesses of Liv^pool, a Rent due unto them for 2 yeares ended at Michas last - - -	-	- 4d.
This was 2 *d.* per ann̄ for the Bridge at the bottom of Lord Street, mentioned in the Agreement.			

This Account was declared and allowed the third day of June 1674.

Nicholas Fazakerly.

	Book headed as the preceding, from the 25th day of March 1674 to 25th March 1675.	
Liverpool, July 29, 1674	Recd of John Pluckington of the arrears of rents there due the yeare last	£. 3. 12s. –
July 29 -	Recd more of him of rents there yssueinge this yeare	– 40s. 6d.
Oct. 21 -	Recd more of him of the burgage rents and tenants rents, for arreres and rents yssueing uppon account	£. 17. – –
March 8 -	Recd more of him of the same Rents	£. 4. 6s. 8d.
Liverpooll, Oct. 14, 1674	Recd of Mr Wmson & Mr Atherton, Baylives of Liv̄pooll, the rent due to my Lord from the Corporation of Liv̄pooll, for one yeare ended at Michas last	£. 30. – –
Liverpooll, Feb. 10, 1674	Recd of Wm Nicholas the rent due for the boats, for one year ended at Midsumer 1674	£. 8. – –
		£. 064. 19s. 02d.
	Paymts & Disbursmts.	
Oct. 14 -	Itm̃, paid unto Mr Atherton, Baylive of Liv̄pool, a rent due from my Lord to the Corporation of Liv̄pool, for one yeare, ended at Michas last	– – 2d.
Oct. 16 -	Itm̃, to him for inrollinge two Deputac̃ons, one for the Constable of Liv̄pooll Castle, the other for Stewardships of West Derby & Salford	– 26s. 8d.
	This Account was declared and allowed the 22d day of September 1675.	
	Nicholas Fazakerley.	
	Book headed as the preceding, from 25th March 1675 to to 25th March 1676.	
Liverpool - - -	July 28, 1675:	
	Recd of John Pluckington, of Tenants Rents there yssueinge this yeare	£. 3. – –
Nov̄ber 17	Recd more of him of the same Rents	– 23s. –
March 13	Recd more of him of the same Rents	– 50s. 7½d.
Nober 17	Recd more of him the Burgage Rents there due for one yeare, ended at Michas 1675	£. 12. 7s. –
Liverpooll - - -	Oct. 11, 1675:	
	Recd of Mr Seacombe and Mr Clarke, Baylives of Liv̄pooll, the Rent due to my Lord for one yeare, ended at Michas 1675, reserved uppon a Lease made by his Lop to the Corporation	£. 30. – –
	Paymts & Disbursmts.	
Octob. 11	Itm̃, paid unto Mr Seacome, Baylive of Liv̄pooll, the Rent due by my Lord to the Corporac̃on, for one yeare, ended at Michas last	– – 2d.
Octob. 15	Itm̃, paid to Sr Ralph Asshton, his Maty Recr, the Fee Farme Rent due to his Maty for the Rectory of Huyton, for one halfe yeare, ended at Michas last	£. 10. 10s. 3½d.
	This Account declared and allowed the 30th day of Augst 1676.	
	Nicholas Fazakerley.	
	Booke headed as the preceding, from the 25th day of March 1676, and the 25th day of March 1677.	
Liverpooll, Sept. 20, 1676	Recd of John Pluckington of the tenants rents there yssueinge this yeare	– 40s. –
Oct. 10 - -	Recd of John Pluckington in pte of the Burgage Rents there yssueing this yeare	£. 10. 10s. –

(*continued*)

Feby. 12 -	Rec^{d} more of the Burgage Rents and Tenants Rents - -	£. 5	–	–
Liverpooll, Octob. 2, 1676	Rec^{d} of Mr. Brookbank & Mr. Willmson, Baylives of Liv^{p}pooll the rent due to my Lord for one yeare ended at Michas last, reserved uppon a lease made by his Lopp unto the Corporacōn - - - - - - - -	£. 30	–	–
Liverpool, Sept^{r} 20, 1676	Rec^{d} of Thomas Eccles the Rent due for the Boats for one yeare ended June 24, 1676 - - - - - - -	£. 8	–	–
	Paym^{ts} & Disbursm^{ts} - - - - - - - - -	£. 055.	10*s.*	00*d.*
Octob. 2 -	Itm̃ paid unto Mr. Brookbank, Baylive of Liv^{p}pooll, the Rent due by my Lord to the Coporacōn for one yeare ended at Michas last - - - - - - - - - -	–	–	2*d.*
Octob. 12 -	Itm̃ paid unto S^{r} Ralph Ashton, his Ma^{tys} Receiver, the Rent due for the yssues of Mr. Forrester's Lōr of West Derby, for one yeare ended at Michas last - - -	£. 17	8*s.*	3½*d.*
	And there is remaininge in the Accountant's hands the sum of two shillings eight pence halfe penny. I doe allowe of this account, as witness my hand, the 22d day of August 1677. Nicholas Fazakerley.			
	Book headed as the preceding, from 25 March 1677 to 25 March 1678.			
Liverpooll, Octob. 17, 1677	Rec^{d} of John Pluckington, of the Burgage Rents there due this year, 1677 - - - - - - - - -	£. 9	–	–
	Rec^{d} more of him, the rem^{r} of the s^{d} Rents - - -	£. 3	7*s.*	–
No^{ber} 14 -	Rec^{d} more of him of the Tenants Rents there yssueinge this year - - - - - - - - - -	–	13*s.*	–
Liverpooll, Octob. 8, 1677	Rec^{d} of Mr. Prescott and Mr. Travers, Baylives of Liv^{p}pooll, the Rent due to my Lord for one yeare, ended at Michas last, reserved upon a lease made by his lopp to the Corporacōn - - - - - - - - - -	£. 30	–	–
Liverpooll, Octob. 7, 1677	Rec^{d} of Tho. Eccles, for Rent of the Boats for one year ended at Midsumer last - - - - - - - -	£. 8	–	–
	Paym^{ts} & Disbursem^{ts}. Items similar to those in the preceding acco^{ts}. This Account was declared the eleventh day of September Anñ Dñi 1678. Nicholas Fazakerley.			
	Book headed as the preceding, from 25th March 1679 to 25th March 1680.			
Liverpooll, April 9, 1679	Rec^{d} of John Pluckington, of the Rents there due the yeare last - - - - - - - - - - - -	£. 7	9*s.*	-¼*d.*
Octob. 15 -	Rec^{d} more of him, of the Burgage Rents there yssueinge this year - - - - - - - - - - -	£. 10	–	–
No^{ber} 12 -	Rec^{d} more of him of the same Rents - - - -	–	47*s.*	–
No^{ber} 12 -	Rec^{d} more of him of the Tenants' Rents there yssueinge this yeare - - - - - - - - - -	£. 2	13*s.*	–
Liverpooll, Septemb. 29 1679.	Rec^{d} of Mr. Carter and Mr. Tarleton, Baylives of Liverpooll, the rent due to my Lord from the Corporation for the pfitts there due for one yeare ended this day, & reserved upon a lease made by my Lord to the Corporacon - - - - - - - - - -	£. 30	–	–
Liverpooll, Octob. 15, 1679	Rec^{d} of Thomas Eccles the Rent due for the Boats, there for one yeare ended the 24th of June last - - -	£. 8	–	–

			Paym^ts & Disbursem^ts.	
Oct.	18	-	Itm paid to the Baylives of Liverpool, rent due to my Lord to the Corporacon, for one year ended at Michas last -	- - 2 *d.*
			Total Receipts - - - - - -	£. 1660 14 *s.* 10½ *d.*
			Total Payments - - - - - -	£. 1667 12 *s.* 6¾ *d.*
			Soe that there is due to Mr. Fazakerley's Exec^x - -	£. 0006 17 *s.* 08¼ *d.*
			And declared by the Executrix the 30th day of November 1681.	

A true and pfect Accompt of all such sume and sumes of money received and paid by John Farnworth, receive^r of the Rents and Revenues belonging to the Right Hon^ble Caryll Lord Viscount Molyneux, in the County of Lancaster and elsewhere, from the 10th day of March 168⅘ until the 12th day of Aprill 1686.

March 18, 168⅘.

Liverpool	-	-	Rec^d of John Pluckington of the rents there yssueinge in 1684 - - - - - - - - - - - -	£. 3 12 *s.* -
	June	10 1685	Red^d of John Pluckington, of the Rents there yssueinge in New-street - - - - - - - - -	£. 4 - -
Liverpool,	March	18 168⅘	Rec^d of Widow Eccles, for the rent of the Ferry Boats there, for one yeare endinge at Midd 1684 - - -	£. 8 - -
	Aug.	5 1685	Rec^d of Henry Pooley, the Rent due for the Ferry Boats at Middsumer last - - - - - - - -	£. 8 - -
			The Accomptant in Arrear 9 *s.*	
			W^ch Accompt was declared this fifteenth day of April 1686, by mee.	
			J. Farnworth.	

(No. 65.)

Appendix, No. 10.

TO the Right Honourable the Committee of the Lords of Her Majesty's Most Honourable Privy Council for Trade and Plantations.

My Lords,

I HAVE to direct your attention to a question of great importance to the maritime trade of the port of Liverpool, and to the public.

During the present Session the following Bills have been introduced into Parliament:

1.—" Liverpool Docks." A bill promoted by the Liverpool Dock Trustees for power to purchase land, and extend their works, and to raise an additional sum of money for those purposes, and for constructing additional warehouses and works, and completing works already authorised by Parliament, and now in progress.

2.—" Birkenhead Dock Trustees." A bill promoted by the Trustees of the Birkenhead Docks to exempt vessels and cargoes using the Birkenhead Docks, but not using the Liverpool Docks, from Liverpool Dock dues, and Liverpool Town dues, and to extend the time for the completion of works, &c.

3.—" Birkenhead Docks, and Liverpool Docks." A bill promoted by the Birkenhead Dock Company to exempt vessels resorting to the Birkenhead Docks from payment of certain dues to the Trustees of the Liverpool Docks, and to the Corporation of Liverpool.

4.—" Birkenhead and Liverpool Docks." A bill promoted by the Birkenhead Dock Company for vesting the undertakings of the Birkenhead Dock Trustees and of the Birkenhead Dock Company in a new body of trustees, and to enable such new trustees to transfer those undertakings to the trustees of the Liverpool Docks, and also for exempting vessels using the Birkenhead Docks, and their cargoes from certain dues, payable to the trustees of the Liverpool Docks, and to the Corporation of Liverpool.

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These bills have all been referred to the same Committee, of which the Right honourable Henry Labouchere is the chairman.

The bill of the Trustees of the Liverpool Docks is opposed by the Birkenhead Dock Trustees, the Birkenhead Dock Company, and by other parties; and in the course of the evidence upon that bill, the attention of the Committee having been called to the whole question of dock accommodation on both sides of the Mersey, the chairman at the sitting of the Committee on the 30th of April last made the following observations:

> "I can only repeat what I said before, that my impression is, that the interests of the public are strongly involved in an agreement which will make the whole dock system on both sides of the River Mersey one system, which will put it all under the management of one public trust, and that the whole shall be conducted purely and simply for the general interests of commerce, which must in the long run be the interest of the town of Liverpool."

In reference to the observations of the chairman, which I believe I am justified in stating, were concurred in by the other Members of the Committee, negotiations have taken place between gentlemen on behalf of the corporation of Liverpool and of the Trustees of the Birkenhead Docks and the Birkenhead Dock Company, which have resulted in the heads of a conditional agreement having been signed for the transfer of the two Birkenhead undertakings to the corporation of Liverpool, on the delivery of bonds of the corporation for the aggregate sum of 1,143,000*l.*

A copy of the heads of agreement is left herewith. The elaborated agreement therein referred to is in course of preparation, in order that, as stipulated in the heads, it may be submitted to the several parties thereto, and to those whose assent or approval is required.

Your Lordships will observe, that one condition is, that the agreement is to be subject to the approval of Parliament, of the Board of Trade, of the Commissioners of Her Majesty's Land Revenues, &c., and of any other public Boards and departments whose approval may be found requisite.

The committee on the group of bills adjourned from the 1st instant, until Monday the 21st instant, in order to give time for the arrangement of terms of transfer for the preparation of the necessary agreement, and procuring assents thereto, and of adapting one of the bills now before the Committee to the circumstances, so as to enable them to proceed with the consideration of the subject with the least practicable delay. The requisite alteration of one of the bills, and the additional clauses to give effect to the agreement, are now in course of preparation, and will be completed previously to the time appointed for the re-assembling of the Committee.

The preamble of "The Birkenhead Dock Trustees Act, 1853," a bill promoted by the trustees themselves, after setting forth the particulars of the debt of the trustees, then amounting, with arrears of interest, to 751,100*l.*, recites that a very inconsiderable part only of the Birkenhead Docks was completed; that the yearly income of the trustees was scarcely more than sufficient to pay their ordinary working and management expenses; that there was no prospect of the yearly income from such part of the Birkenhead Docks as was then completed being much increased, unless other and material parts thereof be completed; that the trustees had entered into an absolute contract for, and were proceeding with, "part of the outer works," but the completion of the part then executing was not calculated of itself to increase the yearly income; and that the trustees had not been able to obtain any absolute contract for the completion of the other parts of the outer works. The preamble then proceeds:

"And whereas, under existing circumstances, the Birkenhead Dock Trust is altogether insolvent, and inasmuch as the arrears of interest on the debt of the trustees are accumulating at the rate of at least 26,000*l.* a year, the condition of the Birkenhead Docks threatens to be a condition of hopeless insolvency: And whereas, it is of great public importance, as well as of very great importance to the creditors of the trustees, that the Birkenhead Docks should without further delay be brought into use for commercial and other purposes, but that cannot be effected unless the outer works and some adjoining works be completed."

The enactments founded upon this preamble gave to the trustees power to enter into a contract for the completion of the works referred to, and to issue additional bonds. They did enter into such contract, but the contractors have failed to proceed, and cannot be compelled so to do, without resort to legal proceedings and consequent delay.

The condition predicted in the above-quoted preamble appears therefore to have arrived, and the Birkenhead Dock Trustees may be described as in a condition of hopeless insolvency.

The next step in the preamble consequently follows; viz., "That although it is of great public importance that the Birkenhead Docks should without further delay be brought into use for commercial and other purposes, it is evident that they cannot so be brought into use by the present authorities."

The first Act for making the Birkenhead Docks passed in 1844, and although from time to time Parliament has extended the period for their completion, they are still incomplete, and now, after the elapse of 11 years, the works are at a stand.

Under these circumstances, and actuated as they have ever been by a desire to promote and encourage the maritime interests of the port of Liverpool, the corporation are willing, subject to the approval of your Lordships, to accept a transfer of the works of the Birkenhead Dock Trustees, and the Birkenhead Dock Company, to complete those works according to such plan as may be found upon mature consideration best calculated to advance and facilitate the trade and commerce of the port, and by combining the management of these docks

docks and works with those of the trustees of the Liverpool Docks, to avoid those obstacles which have, as is alleged, proved disadvantageous to the trading and shipping interests of the port.

But the corporation can only undertake this on the assurance that they are to remain in the enjoyment of their present income and resources. The payment of the principal and interest upon the bonds proposed to be given as the consideration for the transfer, and for the additional sum required to place the properties of the Birkenhead Trustees and Company into efficient working condition, and which additional sum may be assumed to be about 500,000 *l.*, will be a charge upon the borough fund of the borough, the limits of which do not comprise the township of Birkenhead. That fund, in the language of the Municipal Corporations Act, 5 & 6 Will. 4, c. 76, s. 92, consists of "the rents and profits of all hereditaments, and the interest, dividends, and annual proceeds of all monies, dues, chattels, and valuable securities belonging or payable to the body corporate." The corporation of Liverpool are entitled to the rents and profits of hereditaments, and to dues, all of which they have purchased, and the proceeds of which now form the borough fund. The report of the Shipping Dues Commissioners, laid before Parliament, proposes that all dues or charges on ships, or on goods carried in ships, the property of any municipal corporation, shall be "diverted" from such corporation, and "transferred" to a Board of Conservators proposed to be constituted for each public harbour, and that without regard to any debt contracted by the corporation so proposed to be deprived of their property, unless such debt has been contracted for what the Commissioners call harbour purposes. The "dues" which the corporation of Liverpool purchased, and their title to which they sustained more than 20 years ago, after a most expensive litigation, are "dues and charges" within the scope of this Commission, and if the views of these Commissioners were adopted as a basis of legislation, the corporation would be deprived of a very large portion of their income, and, under present circumstances, would be compelled to lay a borough rate upon the inhabitants to supply the deficiency in their income, to meet existing obligations contracted upon the faith of the continued enjoyment of their property. Some time must elapse before the Birkenhead works can be completed, and a long period will, in all probability, subsequently intervene before the revenue to be derived therefrom will be equivalent to the interest and working expenses. The deficiency in the corporate income would thus be largely increased by the interest on the bonds proposed to be given as the consideration for the present transfer; and it becomes of the last importance therefore that the corporation, previously to entering into a binding agreement for such transfer, should be satisfied that the inhabitants of the borough will not thereby be subjected to a rate to supply the interest on a purchase made solely for the purpose of promoting and encouraging the maritime trade of the port. They propose that the Birkenhead Docks shall be managed by the Liverpool Dock Trustees, with the same charges and dues which that trust is or may be authorised to levy. Your Lordships are aware that under the Liverpool Dock Trust no dividends are payable, and no pecuniary interest can be derived. The trustees borrow money as authorised by Parliament, and can levy dues only sufficient to meet the interest on their debt, and the costs of management. If a permanent surplus accrues, the trustees must reduce these rates, and they have on several occasions done so to a very large extent. If those trustees were to become themselves the immediate purchasers of the Birkenhead property, they would become chargeable with the interest on the money borrowed by them for this purpose, as well as for the interest on their present debt, and of the additional sums which it is requisite they should borrow to complete works already authorised by Parliament, and such additional works as they can satisfy Parliament are necessary for the efficient working of their great estate for the benefit of the commerce of the port.

If they were to become the immediate purchasers of the Birkenhead properties, they would subject themselves to a large and immediate additional interest, which might either cripple them in respect of necessary works and improvements upon their present estate, or prevent a reduction in the rates they now levy, and possibly involve an increase of those rates, should the revenues derived from those Birkenhead properties fail to be so productive as has been anticipated.

To prevent either of these alternatives, the corporation are willing to undertake the responsibility of this transfer, provided they are assured that a rate upon the inhabitants might not thereby become necessary. They will complete the docks and works in the manner which, upon mature consideration, may be thought most advantageous to the trade and commerce of the port, but the management of the docks they propose to leave with the Liverpool Dock Trustees, as part of their estate. The details for such management comprising, as an essential ingredient, the adoption of the Liverpool Dock rates to the works on both sides of the river, cannot be completed during the present session, and therefore the corporation propose to insert a clause in the Bill, authorising the transfer to them, requiring that they shall apply to Parliament in the next session for an Act to repeal the existing Acts as to the Birkenhead Docks, and the Act of this session, and for making due provision for those points, and for the completion, working, and management of the undertaking, which Bill of next session will of course be submitted to the Board of Trade.

The proposals for the transfer, and the agreement for carrying it into effect, are to be submitted to the council of the borough at a special meeting to be convened for that purpose on Saturday next, being the latest practicable day previous to the reassembling of the Committee, and I have most respectfully to request the favour of your Lordships' views previously to that day, for the guidance of the council as to whether they will or will not be justified in undertaking so heavy a responsibility as that involved by this transfer, and

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the completion of works which have been authorised by Parliament as highly conducive to the advantage of the commerce of the Mersey, but which there appears to be no prospect of executing, unless in the manner proposed.

On behalf of the corporation, I have also to request the approval of the Board of Trade in pursuance of the Merchant Shipping Law Amendment Act, 1853, so far as respects any mortgage or charge which may for this purpose be effected on any charges on ships, or on goods carried in ships, levied or received by the corporation of Liverpool.

I shall be happy, if desired, to wait upon the Board, accompanied by the Chairman and Deputy-chairman of the Finance Committee of the Corporation, and to give any further explanation which may be required.

I have, &c.

Burlington Hotel, Cork-street,
14 May 1855.

(signed) *J. A. Tobin,*
Mayor of Liverpool.

(No. 66.)

Office of Committee of Privy Council for Trade,
Whitehall, 4 June 1855.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade, to inform you that, in compliance with the wish of the Select Committee of the House of Commons, of which you are Chairman, conveyed in your letter of the 25th ultimo, my Lords have carefully considered the questions raised by the various bills relating to the Liverpool and Birkenhead Docks, especially with reference to the proposed arrangement for transferring the Birkenhead Docks to the corporation of Liverpool; and in reply I am to submit to you the following observations.

There are some discrepancies in points of detail between the clauses which have been laid before this Board by the parties, and those which have been submitted to the Committee, and by them forwarded to my Lords; but it does not appear necessary to make any special mention of them, as the following remarks are applicable to both.

The scheme contained in the proposed clauses appear to be as follows; viz.—

Outline of proposed scheme.

1. That the Liverpool Corporation shall purchase the Birkenhead Docks.

2. That by way of consideration, they shall give to the Birkenhead Dock Trustees and Dock Company bond chargeable upon the whole of their borough fund including the town dues. The payment on these bonds, both of the principal and interest to be deferred for specific periods.

3. That the corporation shall appoint a committee for managing the Birkenhead Docks.

4. That the corporation shall complete the works which the Birkenhead Dock Trustees and the Birkenhead Dock Company are compellable to complete; coming again to Parliament for new powers and with new plans.

5. That separate accounts shall be kept of the receipts and expenditure of the Liverpool Corporation in respect of the Birkenhead Docks.

6. That the corporation shall, on being repaid all principal and interest, costs and expenses incurred by them in respect of the Birkenhead Docks, be bound to transfer them to the dock trustees.

7. That the Liverpool Docks Bill now before Parliament shall be proceeded with, and shall not be opposed by Birkenhead.

Recommendations of Shipping Dues Commission as applied to Liverpool.

In considering this scheme, my Lords have kept in view the recommendations of the Shipping Dues Commission adverted to in their Report to the House of Commons on the Dock and Harbour Bills of this Session, since they deem it of great importance that any arrangement that may be now sanctioned with respect to the Birkenhead Docks should not conflict with those recommendations, or to be so made as to embarrass any measures which Parliament may see fit to adopt for carrying those recommendations into effect.

As applicable to the port of Liverpool, these recommendations are in substance as follows; that is to say,—

1. That a single body of conservators should be appointed for the whole harbour and its docks, so constituted, as fairly to represent all interests concerned in the trade of the harbour.

2. That the Liverpool Dock Trustees should cease to levy dock dues or tonnage rates on vessels which do not use their docks.

3. That subject to the just rights of the existing creditors, the dues on shipping now received by the corporation of Liverpool should (so far as may be necessary) be applied to harbour purposes, and so far as may not be necessary for that purpose, be abolished.

Harbour conservancy and town dues.

It would have been more satisfactory if the questions of the harbour conservancy and the Liverpool town dues could have been settled previously to, or simultaneously with, the transfer of the Birkenhead Docks; but as there may be some doubt whether, if the present agreement for the sale of the Birkenhead Docks (which is made contingent on the sanction of

of Parliament) be not confirmed, the various parties interested in those docks can be again brought to concur in a like agreement. My Lords have applied themselves to consider in what mode the existing agreement for the transfer of the Birkenhead Docks may most advantageously be carried into effect, without prejudice to any measures respecting the conservancy and the town dues which Parliament may hereafter think fit to adopt.

Birkenhead interests with respect to town dues.

With respect to the question of the Liverpool town dues, it is important to observe, that those who are interested in the property of the town of Birkenhead and its docks have hitherto been strongly interested in opposing the continuance of those dues, and their support has accordingly been relied on by other places having similar interests.

The proposal to place the Birkenhead Docks in the hands of the town of Liverpool will transfer a portion of this support to the side of the upholders of these dues; and if a scheme (which as my Lords are informed is now under consideration) for the purpose of uniting the towns of Liverpool and Birkenhead in one great municipality be proceeded with, and receive the sanction of Parliament, the whole interest of Birkenhead will, instead of opposing, be enlisted in support of the Liverpool town dues.

My Lords desire to call attention to this consideration, not in order to defeat any arrangement for the amalgamation of the respective interests of Birkenhead and Liverpool, but in order to point out how important it is that in taking any steps towards such an amalgamation, full provision be made for protecting those interests which have no direct means of making themselves heard by the Committee.

Union of Liverpool and Birkenhead Docks under one management.

As regards the more immediate object of the present arrangement, it appears to my Lords that no settlement of the Birkenhead Dock question can be satisfactory which does not provide for placing the docks on both sides of the river under one management, with equality of rates, limited to such an amount as is required to defray all the expenses attendant on the construction and maintenance of the docks.

Purchase of Birkenhead Docks by Liverpool Dock Trustees.

The simple and obvious course for effecting this object would seem to be that the Liverpool Dock Trustees, and not the Liverpool Corporation, should buy up the Birkenhead Docks, complete them, and manage them, in conjunction with the Liverpool Docks, as one undertaking, provision being made for such a change in the body of the trustees as should make them fairly represent the interests of all parties.

It is said that the dock trustees are not in command of funds which would enable them to make the purchase, and that the only mode by which the two undertakings on the Birkenhead side of the river can be rescued from the present state of insolvency and inaction is that now proposed, viz., the Liverpool Corporation should step in, and, availing themselves of the funds which the town dues (so long as they are continued) place at their disposal, make the purchase, complete the works in the most advantageous manner, and, so soon as they are brought into a self-supporting state, hand them over to the Liverpool Dock Trustees, upon being repaid the outlay which they will have incurred.

The representatives of the Birkenhead Dock interests refuse, as my Lords are informed, to accept as a security for their purchase-money the funds of the Liverpool Dock Trustees, and the Liverpool Corporation, although they are ready, as the Mayor of Liverpool has informed my Lords, out of regard for the general interests of the port of Liverpool, and without regard to the separate interests of the corporation, to lend their aid for effecting an arrangement by which the Birkenhead Docks may be taken out of the hands of the present holders, and placed ultimately under the management of the Liverpool Dock Trustees, yet state that they would not feel justified in using the borough funds for this purpose, unless they could be guaranteed against any borough rate being rendered necessary in respect of their outlay, in the event of their town dues being taken from them.

Adverting to the measure now promoted by the Liverpool Dock Trustees, under which they propose to raise 3,500,000 *l.* for new docks, and to the present income of the dock trustees, and the state of their existing debt, and considering also the influence which the proposed amalgamations must (as above mentioned) have in the views hitherto entertained by those interested in Birkenhead, my Lords find it difficult to believe that there can be any such inability on the part of the Liverpool Dock Trustees as is suggested by the promoters of the proposed arrangement, at once to raise the funds necessary for the purpose of enabling them to make the purchase of the Birkenhead Docks, and to undertake their completion. Supposing, however, this to be so, and assuming for the moment that the Liverpool town dues may with propriety be made available for the purpose of facilitating the proposed arrangement, it appears to my Lords that the scheme proposed in the clauses that have been submitted to the Committee on the part of the Liverpool Corporation, is not the best that can be adopted for securing the object in view, and that it is open to some serious objections.

Objections to proposed scheme.

No security for completion of transfer.

In the first place, there is no security that the proposed transfer to the Liverpool Dock Trustees will ever take effect.

It has been stated by the Mayor of Liverpool to be the intention of the Liverpool Corporation that the Birkenhead Docks, when purchased, shall be placed at once under the management of the Liverpool Dock Trustees, and that the rates in the two sets of docks shall be equalised.

There is, however, nothing in the clauses with respect to equalisation of rates, and as regards management, the only provision is that it shall be undertaken by a committee appointed by the Liverpool Corporation. Nor is there anything to compel the Liverpool Dock Trustees to accept at any time a final transfer of the undertaking; on the other hand, the provisions for issuing the bonds which are to be the consideration for the purchase by

Appendix, No. 10.

the corporation, imply that those bonds are to be a charge on the Liverpool borough fund, including the town dues, until the transfer to the Liverpool Dock Trustees is effected.

If the Liverpool Docks may be carried on as a rival scheme, and no restriction is placed on their improvident extension in a northerly direction, it is by no means clear that the period will ever arrive at which it will be the interest of the Liverpool Dock Trustees to assume the purchase of the Birkenhead Docks on the terms proposed, and the Liverpool Corporation may thus be indefinitely confirmed both in the possession and management of the Birkenhead Docks and in the possession of their town dues.

When completed the corporation are to be reimbursed for what they have expended, out of the town dues, in the purchase.

And even supposing the time to arrive when the Liverpool Dock Trustees are in a condition to assume the purchase, the funds required by them for this purpose would have to be raised on the credit of the dock dues, and with what propriety can the dock dues be burthened to repay to the Liverpool Corporation money which they have advanced not out of its ordinary municipal revenue, but to a large extent at least, out of the town dues upon trade and shipping.

Propriety of indemnifying the corporation against actual loss.

My Lords are, however, impressed with the great importance of securing the completion of the Birkenhead Docks, and placing them under one management with the Liverpool Docks; and they think that if the Liverpool Corporation lend the aid of their credit for this purpose without proposing to derive any pecuniary benefit from the transaction, they may reasonably require that so long as they are burthened with the debt incurred for this purpose, the town dues shall not be taken from them without provisions being made for relieving them from the debt.

It appears to my Lords that the proposed purchase and transfer of the docks may be accomplished by clauses embodying a scheme to the following effect:

1. Confirm the purchase made by the Liverpool Corporation.

2. Place the docks at once under the management of the Liverpool Dock Tustees.

3. Complete the works at present authorised under the respective Acts relating to the Birkenhead Docks within one year (or other limited period) from the end of next session, unless otherwise provided by Parliament, the Liverpool Corporation raising the necessary funds upon corporation bonds, each of such bonds to bear a distinct notice of the Act under the authority of which it is issued.

4. Provide for equality of rates on the Birkenhead and Liverpool Docks.

5. Keep a separate account of the rates in the Birkenhead Docks, and pay the amount, after deducting working expenses, to the Liverpool Corporation, until provision is made for paying the interest of the bonds given by the corporation, in satisfaction of the purchase-money of the docks.

6. Declare specifically that neither the Act nor the bonds issued under its authority shall prevent Parliament dealing with the town dues, provided that in any such dealing provision be made for keeping down so much of the interest thereafter accruing on the corporation bonds in question, as the net income of the docks shall be insufficient to pay; and for otherwise indemnifying the corporation against any borough rate which they may be obliged to raise, or against any loss which their borough fund, exclusive of the town dues, may suffer in consequence of the purchase of the Birkenhead Docks.

7. So soon as provision has been made for relieving the Liverpool Corporation from the principal and interest of the debt incurred in the purchase, and for indemnifying them against loss, the docks to be transferred to the dock trustees.

The above provisions may, if they meet the views of the Committee, and are assented to by the parties, be inserted in the Birkenhead and Liverpool Docks Bill.

In order to complete the arrangement, my Lords would suggest that the following provisions should be introduced into the Bill promoted by the Liverpool Dock Trustees.

Require the Liverpool Dock Trustees to come to Parliament next year with a bill, having the following objects:

1. The re-constitution of the dock trustees in such a manner as to represent not only Liverpool and Birkenhead, but all parties concerned in the trade of the Mersey.

2. The revision of the limits of the harbour.

3. The better management and conservancy of the harbour.

4. The transfer of the Birkenhead Docks to the new body of trustees, to be managed by them jointly with the Liverpool Docks as one undertaking; such transfer to be subject to the provision above mentioned for paying the income from the Birkenhead Docks to the Liverpool Corporation, until they are indemnified from loss in consequence of their proposed purchase.

5. The completion by the new trustees of so much of the Birkenhead Docks as shall be then unfinished, either according to the present plans, or according to such improved plans as shall be approved by Parliament.

In order to compel the Liverpool Dock Trustees to abide by the above terms, any powers given to them by the bill this session may be limited so as to render it impossible for them to make the proposed outlay for the North Docks without taking such steps as Parliament may think fit to impose for the completion of the Birkenhead Docks.

In

In addition, my Lords would suggest for the consideration of the Committee, whether it would not be desirable in pursuance of the recommendation of the Shipping Dues Commission, and with a view to the interests of traders who resort to the Mersey, without using either the Liverpool or the Birkenhead Docks, to take the present opportunity to exempt vessels not using the Liverpool Docks from all dues levied by the Liverpool Dock Trustees, except such dues as are applied for harbour purposes. Appendix, No. 10.

I have, &c.

The Right Hon. Henry Labouchere, M. P., (signed) *James Booth.*
&c. &c. &c.
Care of Clerk of the Committee on the Birkenhead and Liverpool Docks Bill,
House of Commons.

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(No. 67.)

At a Common Council held in the Council Chamber within the Town Hall, in Liverpool, on Wednesday, the 5th day of April 1826, being the first Wednesday in the month, according to ancient custom.

Present, Peter Bourne, Esq., Mayor, &c. &c. &c.

Resolved, by the trustees of the docks in this council assembled,

That the following entry be made in the book of the said trustees:

A sufficient number of members to constitute a common council not having attended on Wednesday the 1st day of March last, being the general monthly council day, and no special meeting of the trustees of the docks having been held under the 4th section of the Dock Act of the sixth year of his present Majesty's reign, within one week after such general monthly council day, the proceedings, resolutions, and directions of the dock committee between the general monthly council day of Wednesday the 1st day of February last, and the said general monthly council day of Wednesday the 1st day of March last, are under the said 4th section of the said Act final and conclusive.

The proceedings, resolutions, and recommendations of the dock committee since the last general monthly council day of Wednesday the 1st of March last having been read,

Resolved, That the same be and they are hereby approved, ratified, and confirmed, save and except the resolution of the committee of the 28th ultimo, "That it should be contended before the jury summoned to assess the value of the property of the corporation required for the purpose of the docks, that so much of the site of the intended docks and quays at the south end of the town and in Toxteth Park as belonged to the corporation became vested in the dock trustees under the Act of the 51st George 3, sec. 36; and also that the attention of counsel shall be called to the directions contained in the Act of 39th of George 3 for valuing the land and strand at the north end of the town."

This resolution the trustees of the docks in this council assembled can by no means confirm, and they do therefore, by virtue of the powers and authorities in them vested by the 4th section of the Act of the sixth year of his present Majesty, hereby annul and make void the same. To the intent that no proceedings whatever founded on such resolution may hereafter be adopted in the annulling of the resolution in question, the trustees beg respectfully to call the attention of the dock committee (with a view to their future proceedings) to their want of authority to direct a resolution of that description to be acted upon previous to its having received the confirmation of the trustees of the docks in council assembled, under the 4th section of the Act of the 6th of George 4, inasmuch as such resolution tended to cancel a subsisting agreement between the trustees of the docks and the common council, which those two bodies themselves had only the power of cancelling.

And the trustees of the docks regret that such a resolution should have been passed when the proceedings which took place between the two bodies, and which are entered in the books of the common council, in the books of the trustees of the docks, and in the books of the dock committee itself, demonstrate the intention of all parties as to the land to be purchased by the trustees of the docks from the corporation, and that the only equivalent to be given for the relinquishment of the old dock by the trustees, was the elongation of the Queen's dock by the corporation.

(No. 68.)

At a special meeting of the Trustees of the Docks, held in the Council Chamber within the Town Hall, on Friday the 5th day of May 1826, for the purpose of receiving the proceedings, resolutions, and directions of the Committee for the affairs of the estate of

Appendix, No. 11.

the Trustees of the Docks, and of confirming or annulling the same, pursuant to the Act of Parliament of the sixth year of his present Majesty.

Present, Peter Bourne, Esq., Mayor, &c. &c. &c.

The proceedings, resolutions, and directions of the dock committee since the last council having been read:

Resolved, That the same be, and they are hereby approved, ratified, and confirmed, with the exception of the resolution of the committee passed at their meeting on the 2d day of May instant, relative to Mr. Coglan being permitted to moor his floating bath in the river, which resolution the trustees of the docks in this special meeting assembled do hereby annul and make void.

(No. 69.)

At a Common Council held in the Council Chamber within the Town Hall in Liverpool, on Wednesday the 7th day of June 1826, being the first Wednesday in the month, according to ancient custom.

Present, Peter Bourne, Esq., Mayor, &c. &c. &c.

The proceedings, resolutions, and directions of the dock committee since the last special meeting of the trustees on the 5th day of May last having been read,

Resolved, That the same be, and they are hereby approved, ratified, and confirmed, save and except the resolution of the committee of the 16th of May last, authorising the surveyor to deposit materials on the strand beyond the extremity of the present southern works; the resolution of the committee of the 23d of May last, authorising the surveyor to commence excavating the rock upon the strand purchased to the northward of the Princes Dock Basin; and the resolution of the committee of the 30th of May last, relative to the erection of a mortar mill at the northernmost point of the intended north works, which three several resolutions the trustees of the docks in this council assembled do hereby unanimously annul and make void.

Resolved, also, by 20 of the trustees of the docks out of 28 in this council assembled,

That the resolutions of the dock committee, passed at their meeting on the 30th of May last, relative to enclosing the ground at the north-west end of the Princes Dock Quay for the purposes of a dock-yard, be, and the same is hereby annulled and made void.

(No. 70.)

At a Common Council held in the Council Chamber within the Town Hall in Liverpool, on Wednesday the 7th day of March 1827, being the first Wednesday in the month, according to ancient custom.

Present, Thomas Littledale, Esq., Mayor, &c. &c. &c.

The proceedings, resolutions, and directions of the dock committee since the last council having been read,

Resolved, That the same be, and they are hereby approved, ratified, and confirmed, with the exception of the resolution passed at the committee on the 6th instant, relative to submitting to the common council the relinquishment of the interest of the corporation in the property on the west side of the Salthouse Dock, and that described in Schedule C of the last Dock Act, the value of which were recently assessed by juries without payment for the same by the dock trustees, which resolution the trustees of the docks in this council assembled do hereby annul and make void.

(No. 71.)

At a Common Council held in the Council Chamber within the Town Hall in Liverpool, on Wednesday the 2d day of January 1828, being the first Wednesday in the month, according to ancient custom.

Present, Thomas Colly Porter, Esq., Mayor, &c. &c. &c.

The proceedings, resolutions, and directions of the dock committee since the last council having been read,

Resolved, That the same be, and they are hereby approved, ratified, and confirmed, save and except the resolution and direction passed by the committee at their meeting on the 1st day of January instant, for the admission of a reporter on behalf of all the editors of the Liverpool newspapers for the purpose of reporting the proceedings of the committee, which resolution and direction it is resolved and directed, by 23 of the trustees of the docks out of 30 now present, in pursuance of the powers and authorities of the Act passed in the sixth year of his present Majesty's reign, shall be, and the same is hereby annulled and made void.

(No. 72.)

On the 1st day of July 1835 the Trustees, on consideration of the Proceedings of the Dock Committee, annulled part of those Proceedings in the following terms:—

Resolved, That the same be, and they are hereby approved, ratified, and confirmed, with the exception of the resolution of the committee passed at their meeting on the 23d day of June last, authorising a deputation to proceed to London to watch the progress of the Bill now before the House of Commons to provide for the regulation of the municipal corporations in England and Wales, and to endeavour to obtain a clause for altering the present constitution of the dock trust, so far as to vest the election of 13 members of the committee in the rate-payers, and of eight in the council, and the election of chairman in the committee, and not, as at present, in the council, and authorising such deputation to obtain such verbal alterations as may be found necessary to reconcile the said Bill to the present Dock Acts, and requesting the attention of such deputation to the clauses introduced into the said Bill relative to the police, which resolution it is now unanimously resolved by the 25 trustees now present be annulled and made void, inasmuch as it is the opinion of the trustees now assembled, that the committee have not the power, under the Acts of Parliament for the regulation of the affairs of the dock estate, to carry such a resolution into effect, and to act upon it without the previous consent of the trustees of the docks in council assembled, or without the same being made valid and conclusive for want of such meeting of the said trustees.

(No. 73.)

Council, 6 May 1840.

The proceedings, resolutions, and directions of the dock committee under the existing Dock Acts since the monthly council of the 1st of April last, having been read,

Resolved, (Two-thirds of the trustees of the Liverpool Docks present at this general monthly council and meeting concurring and directing therein) That the said proceedings, resolutions, and directions be, and they are hereby approved, ratified, and confirmed, with the exception of the resolutions rescinding the former resolution of the said committee for the admission of reporters at a former council, laid before the said trustees and confirmed by them, and that such rescinding resolution be cancelled and made void.

(No. 74.)

Council, 9 November 1848.

Dock Proceedings.

Resolved, That the same be and they are hereby approved, ratified, and confirmed, save as to so much thereof as relates to the purchase of the estate and interest of the Earl of Derby and Lord Stanley in the land, strand, and shore of the River Mersey, under the provisions of the Dock Act, 10 Vict. c. 110, s. 15, which subject is and the same is by this council, in exercise of the powers of an Act of Parliament passed in the 6 Geo. 4, intituled, "An Act for the further improvement of the Port, Harbour, and Town of Liverpool, and for altering, extending, and amending the several Acts relating thereto," unanimously annulled and made void.

(No. 75.)

At a Meeting of the Council, held on the 7th February 1849.

Resolved, That the proceedings of the Dock Committee be, and they are hereby approved, ratified, and confirmed, except all and every the proceedings, resolutions, directions, and reports of the dock committee in relation to a Bill, intituled, a Bill for making the trustees of the Liverpool Docks rateable to the relief of the poor and to other local rates, and the memorial and petition of the trustees of the Liverpool Docks against the said Bill, recorded upon the minutes of the dock committee, which part of the said proceedings, directions, resolutions, and reports be not confirmed, but that the same are hereby rejected, annulled, and made void, and are hereby directed to be rejected, annulled, and made void.

That the council, as trustees of the Liverpool Docks, are of opinion that it is their duty as such trustees to watch the progress of any local Bill, the object of which is to render the estate of the trustees of the Liverpool Docks liable to parochial or other local rates, in order that the Committee of either House of Parliament, to which such Bill may stand refered, may be fully informed of the circumstances of the Liverpool Dock Trust.

That the chairman of the dock committee has acted in strict accordance with the wishes of this body, in declining to affix the seal of the trustees of the Liverpool Docks to the memorial and petition referred to in the proceedings of the dock committee, before such memorial and petition, or either of them, had been submitted to the trustees, from which body they respectively purport to emanate.

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(No. 76.)

COUNCIL, 4 April 1849.

THE proceedings, resolutions, and directions of the dock committee, under the existing Acts, having been read,

It was moved by Mr. Alderman *Henderson*, seconded by Mr. Councillor *Mann*, That the same be and they are hereby approved, ratified, and confirmed.

Whereupon it was moved as an amendment by Mr. Councillor *Samuel Holme*, seconded by Mr. Councillor *Thomson*,

And a division, upon which there appeared 33 votes in favour of the amendment, and 10 against it; it is by two-thirds of the members of the council present at the said meeting resolved that the proceedings, resolutions, and directions of the dock committee be approved, ratified, and confirmed, save the part thereof containing a statement of the cost of the construction of the Albert Docks warehouses, which part of the said proceedings is not confirmed, but is and are rejected, annulled, and made void, and is and are hereby directed to be rejected, annulled, and made void.

(No. 77.)

AT Meeting of the Council of the Borough of Liverpool, held on the 6th of June 1849:

Resolved, That the proceedings, resolutions, and directions of the dock committee be and the same are hereby approved, ratified, and confirmed, except the resolution granting to Mr. Worthington, late solicitor to the dock trustees, who has retired from that office, the annual allowance of 200 *l.*, which resolution is not confirmed, but the same is by this council annulled and made void, and is hereby directed to be annulled and made void.

(No. 78.)

COUNCIL, 9th November 1850.

THE proceedings, resolutions, and directions of the dock committee since those before the council on the 2d day of October last having been read,

It was moved by Mr. *Tobin*, seconded by Mr. *Thomas Lloyd*, and resolved unanimously, That the proceedings of the dock committee under the existing Acts be confirmed, except so much thereof as refers to the adoption by the committee of a report of the surveyor of the docks relative to the proposed appropriation of land to the eastward of the Huskisson Dock to shipbuilding purposes, which part of the proceedings is not approved, but is by this council, in pursuance of the powers of the Dock Act, 6 Geo. 4, annulled and made void, and is and are directed to be annulled and made void.

(No. 79.)

COUNCIL, 5th January 1853.

THE proceedings, resolutions, and directions of the dock committee since those before the council on the 1st December last having been read, and also letters and correspondence with Messrs. Baker & Son,

It was moved by Mr. *Charles Turner*, M. P., seconded by Mr. *Edmund Molyneux*, That the said proceedings, resolutions, and directions be and they are hereby approved, ratified and confirmed.

Whereupon it was moved, as an amendment, by Mr. *James Holme*, seconded by Mr. *Bigham*, and resolved, That the same be and they are hereby approved, ratified, and confirmed, save and except the following resolution of the said Committee, passed on the 16th December last, that is to say:

> The sub-committee of works having produced the tenders which have been sent in for the execution of the proposed new works, Wapping, and submitted for the consideration and decision of this general committee the tender of Messrs. George Baker & Son (No. 2), for the construction of these works, amounting to 221,655 *l.*, together with the estimates of the surveyor of the cost of the works, if performed by him, viz.:
>
> | | |
> |---|---|
> | As provided for by the specification - - - - - | £. 233,634 |
> | Or if done as heretofore - - - - - - - - | 212,394 |
>
> And the surveyor having explained that in his lower estimate it was calculated that about one-third of the backing required would be supplied from the works themselves; but if that should not be so, then there will have to be added to this estimate the cost of that stone, amounting to 5,425 *l.*, and for the use of the plant, none having to be purchased, about 4,000 *l.*, so making his estimate, 221,819 *l.*, to be on a par with the offer of Messrs. Baker & Son of 221,665 *l.*; and a discussion having ensued thereon, during which reference was made to the terms of the advertisement directed on the 2d September last to be issued for tenders for these works, which states that "The dock committee do not bind themselves to take the lowest or any tenders;" reference also being

being made to the resolution of this committee of the 16th October 1851, it was, after full consideration,

Moved by Mr. *Nicol*, and seconded by Mr. *Lockett*, That the surveyor be empowered to proceed with the Wapping works.

And no amendment having been proposed, the committee proceeded to vote upon the motion, which was carried by 14 to 5.

It was, therefore, *Resolved*, That the surveyor be empowered to proceed with the Wapping works.

Which resolution this council, the Trustees of the Liverpool Docks, in common council assembled, doth at this meeting (being the next general monthly meeting subsequent to the day on which the said hereinbefore recited resolution of the said committee was had and made), in pursuance of the powers and provisions enabling them in that behalf, by 43 votes against 11, being more than two-thirds of the said trustees present at this meeting, reject, annul, and make void, and doth hereby direct the hereinbefore recited resolution of the said committee to be annulled and made void.

(No. 80.)

At a Common Council held on the 5th day of January 1825,

Present, J. B. Hollingshead, Esq., Mayor, &c. &c. &c.

The committee appointed at the council held on the 6th day of October last, for the purpose of taking into consideration the propriety of a reduction of the town's duties payable upon tallow, and also upon hides imported from the East Indies (which reduction was solicited in certain memorials from the merchants, presented to the council), having this day made their report, and the council having taken the same and the respective memorials in consideration,—

It is *Resolved* and *Ordered*, That inasmuch as it appears to the council that the amount of the town's duties of 3 *d.* per cwt., payable by prescription upon tallow according to the present price of that article, bears hard upon the trade, the receiver of the town's duties be, and he is hereby authorised to take and collect from the exporters and importers of tallow the sum of 1 *d.* per cwt. only, in lieu of and as a composition for the said sum of 3 *d.* per cwt., such composition being expressed in the bill of entry by the party bringing the same.

And it is also *Resolved* and *Ordered*, That inasmuch as it appears to the council that the cow and ox hides imported from the East Indies, and that horse hides are of considerably less value than other hides, and that the sum of 1 *d.* per hide, being the amount of town's duty payable by prescription, is very disproportionate with reference to the value of such hides, and that in consequence thereof the Government duty payable upon such hides has been modified and altered, the receiver of the town's duties be, and he is hereby authorised to take and collect from the importers of cow and ox hides from the East Indies 1 *d.* per dozen, and from the exporters thereof one halfpenny per dozen, and from the importers and exporters of horse hides one farthing per hide, in lieu of and as a composition for the present town's duties thereon, such composition being expressed in the bill of entry by the party bringing the same.

And it is also *Resolved* and *Ordered*, That inasmuch and in consequence of the union with Ireland, the king's duties payable on goods imported and exported therefrom or thereto have recently been abolished by Act of Parliament, and the general trade between Great Britain and Ireland is now conducted, in so far his Majesty's Customs are concerned, as a coasting trade, and not a trade to or from foreign parts, the receiver of the town's duties be, and he is hereby authorised to collect and take upon goods, wares, and merchandise imported from or exported to Ireland, sums of money equal to the amount of town's duties payable upon similar goods, wares, and merchandise received or sent coastwise, such sums to be received in lieu of and as a composition for the town's duties now payable thereon, and such composition being expressed in the bill of entry by the party bringing the same.

And it is also *Resolved* and *Ordered*, That as it is represented to this council to be the disposition of Government to place the general trade with the Isle of Man and the islands in the British and Irish Channels upon the footing of the coasting trade, the receiver of the town's duties be, and he is hereby authorised to collect and take upon goods, wares, and merchandise exported to and imported from such islands respectively, sums of money equal to the amount of town's duties payable upon similar goods, wares, and merchandise received or sent coastwise, such sums to be received in lieu of and as composition for the town's duties now payable thereon, and such composition being expressed in the bill of entry by the party bringing the same.

And it is also *Resolved* and *Ordered*, That the compositions for the town's duties upon the respective articles so hereby authorised to be collected and taken as aforesaid, shall be so collected and taken for the period of five years from and after this day; but that such composition shall not be or be considered as a relinquishment or abandonment of the right of the corporation to the receipt and the resumption of the full amounts of town's duties payable after the said period of five years, should the common council think proper so to order, but only as in compliance with the request of the memorialists, and in relief and for the benefit of trade.

Resolved also, That the mayor be requested to transmit copies of the above resolutions

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to the memorialists, and that the receiver of the town's duties be authorised to make the same known to all other parties interested.

By Order of the Common Council.

Statham, Town Clerk.

(No. 81.)

At a Common Council held in the Council Chamber within the Town Hall, on Wednesday the 2d day of December 1829,

Present, George Drinkwater, Esq., Mayor, &c. &c. &c.

This council having adverted to the several resolutions and orders made and passed at the council held on the 5th day of January 1825, relative to the town's duties payable on tallow and horse hides imported and exported, on cow and ox hide imported from the East Indies, on salt exported to Ireland, the Isle of Man, and the islands in the British and Irish Channels, the operation of which resolutions and orders was limited to the term of five years from that date,

It is now *Resolved* and *Ordered*, That the resolutions and orders so made and passed on the 5th day of January 1825, be, and the same are hereby revived and continued for the period of five years from the 5th day of January next, the compositions authorised to be taken not being or being considered as a relinquishment or abandonment of the right of the corporation to the receipt and resumption of the full amounts of town's duties payable after the said period of five years, should the common council think proper so to order, but only as in compliance with a request of the merchants, and in relief and for the benefit of trade.

Resolved also, That the receiver of the town's duties be, and he is hereby authorised to make the above resolutions and orders known to all parties interested.

(Extracted from the Proceedings.)

(No. 82.)

At a Common Council held on the 3d day of December 1834,

Present, James Aspinall, Esq., Mayor, &c. &c. &c.

This council having taken into consideration the town dues payable to the corporation upon several articles of merchandise imported and exported to and from the port of Liverpool, and also the report of the town dues committee upon the same,

It is now *Resolved* and *Ordered*, That the receiver of the town dues or town's duties be, and he is hereby authorised to take and collect from the importers and exporters of the several articles of merchandise particularised and set forth in the following Schedule, the several rates and dues hereinafter mentioned, in lieu of and as a composition for the town dues or town's duties now payable on such articles of merchandise, such composition being expressed on the bill of entry by the party bringing the same, which Schedule is as follows, viz.:

On white salt imported from and exported to foreign parts, 6 *d.* per ton.
On rock salt imported from and exported to foreign parts, 4 *d.* per ton.
On white salt sent coastwise, 3 *d.* per ton.
On rock salt sent coastwise, 2 *d.* per ton.
On barley and malt, 1 *s.* per hundred bushels inwards, and 6 *d.* outwards.
On oats, 8 *d.* per hundred bushels inwards, and 4 *d.* outwards.
On all other grain (except wheat, which is to be charged as heretofore), pulse, and seeds, 1 *s.* per hundred bushels inwards, 6 *d.* outwards.
On all dry hides, kips, and calf skins, 2 *d.* per hundredweight inwards and outwards.
On all wet hides, kips, and calf skins, 1 *d.* per hundredweight inwards and outwards.
On tar 1 *d.* per barrel, inwards and outwards.
On turpentine, one halfpenny per hundredweight inwards and outwards.
On munjeet, 4 *d.* per bale of 100 small bundles inwards and outwards.
On mother of pearl shells, 2 *s.* per ton inwards and outwards.
On orchella weed, 2 *d.* per bale inwards and outwards.
On grapes, 4 *d.* per chest inwards and outwards.
On grapes, 2 *d.* per box inwards and outwards.
On grapes, one halfpenny per jar inwards and outwards.

And it was also *Resolved* and *Ordered*, That the receiver of town dues or town's duties be, and he is hereby authorised to continue to take and collect from the importers and exporters of tallow, the sum of 1 *d.* per hundredweight only, in lieu of and as a composition for the sum of 3 *d.* per hundredweight heretofore payable thereon, such composition being expressed in the bill of entry by the party bringing the same.

And it was also *Resolved* and *Ordered*, That the trade between the port of Liverpool and Ireland, the Isle of Man, and the islands in the British and Irish Channels, shall, for the purpose of charging and collecting the town dues or town's duties be deemed a coasting trade, and that the receiver of the town dues or town's duties be, and he is hereby authorised to charge and collect upon goods, wares, and merchandises exported to and imported from Ireland, the Isle of Man, or the islands in the British and Irish Channels respectively,

respectively, sums of money equal in amount to the town dues or town's duties now payable upon similar goods imported and exported coastwise; such sums to be received as a composition for the town dues or town's duties now payable thereon, such composition being expressed in the bill of entry by the party bringing the same.

And it is also *Resolved* and *Ordered*, That the compositions for the town dues or town's duties upon the before-mentioned respective articles so hereby authorised to be collected and taken as aforesaid, shall be so collected and taken for the period of three years, from and after the fifth day of January next, but that such composition shall not be or be considered as a relinquishment or abandonment of the rights of the corporation to the receipt and the resumption of the present full amount of the town dues or town's duties, payable on such articles from and after the said period of three years, should the common council think proper so to order.

Town Hall, Liverpool,
4 December 1834.

By order of the Common Council,
Foster, Town Clerk.

(No. 83.)

At a Monthly Meeting of a Council of the Borough of Liverpool, holden in the Council Chamber within the Town Hall of the said Borough, on Wednesday the 3d day of January 1838,

Present, William Rathbone, Esq., Mayor, and a full Council,

The following report from the town dues committee having been read,—

"Report.

The town dues committee have agreed upon the following report. The receiver having drawn the attention of the committee to the orders of the late council of the 5th January 1825, 2d December 1829, and 3d December 1834, relating to town dues on various articles of merchandise, and the power of resumption of the former amounts of dues reserved to the council by the said orders, the committee, with the advice of the town clerk, recommend that it is inexpedient for the council to make any orders; and report, that no order being made, the dues upon the said articles will continue collectable under the said orders of the late council, according to the rates thereby allowed, the power of the council still continuing reserved as therein expressed."

Resolved, That the same be adopted.

Extracted from the Proceedings.

(signed) *Rd. Ratcliffe*,
Town Clerk.

Town Hall, 4 January 1838.

(No. 84.)

A STATEMENT showing the Yearly Tonnage of Vessels which have been charged at *Runcorn*, in the Port of *Liverpool*, with Tonnage Duty (not including those which have been entered and paid Tonnage Duty in *Liverpool*, although afterwards coming to *Runcorn* to discharge their Cargoes, or to load Outwards, and actually forming a part of the *Runcorn* Trade), from 1818–19 to 1855 (37 Years), ending 24th June in each Year.

YEAR.	TONNAGE.	YEAR.	TONNAGE.
1819	10,352	1838	91,208
1820	10,584	1839	86,329
1821	14,591	1840	93,058
1822	21,719	1841	111,260
1823	25,804	1842	116,563
1824	26,331	1843	101,387
1825	30,146	1844	121,460
1826	28,426	1845	137,277
1827	26,895	1846	126,420
1828	38,622	1847	152,089
1829	42,331	1848	163,049
1830	37,045	1849	155,333
1831	48,646	1850	153,214
1832	63,013	1851	178,169
1833	78,712	1852	221,743
1834	99,655	1853	189,775
1835	104,080	1854	203,194
1836	114,411	1855	180,233
1837	96,485		

(No. 85.)

LIGHTING and FIRE POLICE, PAVING, SEWER, WATER, and GENERAL WATCH and MUSEUM

YEAR.	RATES.	Parish of Liverpool. £.	£.	Township of Kirkdale. £.	£.
1847	Lighting and Fire Police, and Sanitary - 1/7	84,559	- - 1/7	2,874	- - 1/6
	Watch - - - - - - - - -	8,520	- - -	271	- - -
	Museum - - - - - - - - -	739	- - -	24	- - -
			93,818		3,169
	Poor Rate - - - - - - - -	- - 3/	*160,258*	- - /10	*1,387*
1848	Lighting and Fire Police, and Sanitary - 1/10	99,121	- - 3/	5,011	- - 2/9
	Watch - - - - - - - - -	8,527	- - -	259	- - -
	Museum - - - - - - - - -	983	- - -	30	- - -
			108,631		5,300
	Poor Rate - - - - - - - -	- - 2/	*108,429*	- - 1/	*1,528*
1849	Lighting and Fire Police, and Sanitary - 1/9	95,536	- - 2/8	4,157	- - 2/1
	Watch - - - - - - - - -	8,526	- - -	259	- - -
	Museum - - - - - - - - -	883	- - -	27	- - -
			104,945		4,443
	Poor Rate - - - - - - - -	- - 3/2	*170,212*	- - 1/10	*2,723*
1850	Lighting and Fire Police, and Sanitary - 1/3	67,613	- - 1/10	2,791	- - 1/5
	Watch - - - - - - - - -	8,527	- - -	233	- - -
	Museum - - - - - - - - -	- None -	- - -	- none -	- - -
			76,140		3,024
	Poor Rate - - - - - - - -	- - 2/	*106,896*	- - 2/	*2,859*
1851	Lighting and Fire Police, and Sanitary - 1/2	62,804	- - 1/9	2,594	- - 1/3
	Watch - - - - - - - - -	8,526	- - -	234	- - -
	Museum - - - - - - - - -	1,476	- - -	42	- - -
			72,806		2,870
	Poor Rate - - - - - - - -	- - 2/	*106,145*	- - 1/9	*2,618*
1852	Lighting and Fire Police, and Sanitary - 1/4	71,567	- - 1/10	2,793	- - 1/5
	Watch - - - - - - - - -	8,526	- - -	241	- - -
	Museum - - - - - - - - -	2,443	- - -	86	- - -
			82,536		3,120
	Poor Rate - - - - - - - -	- - 2/	*104,661*	- - 1/6	*2,528*
1853	Lighting and Fire Police, and Sanitary - 1/6	79,385	- - 2/3	3,821	- - 1/11
	Watch - - - - - - - - -	8,526	- - -	299	- - -
	Museum - - - - - - - - -	3,271	- - -	113	- - -
			91,182		4,233
	Poor Rate - - - - - - - -	- - 2/1	*109,022*	- - 1/3	*2,103*
1854	Lighting and Fire Police, and Sanitary - 1/8	88,779	- - 3/	5,096	- - 2/1
	Watch - - - - - - - - -	8,526	- - -	293	- - -
	Museum - - - - - - - - -	3,804	- - -	135	- - -
			101,109		5,524
	Poor Rate - - - - - - - -	- - 2/6	*135,685*	- - 1/6	*2,625*
1855	Lighting and Fire Police, and Sanitary - 1/7½	90,187	- - 2/7½	4,858	- - 1/10½
	Watch - - - - - - - - -	8,526	- - -	304	- - -
	Museum - - - - - - - - -	3,804	- - -	135	- - -
			102,517		5,297
	Poor Rate - - - - - - - -	- - 2/9	*152,240*	- - 1/2	*2,403*
1856	Lighting and Fire, Police and Sanitary - 1/5½	81,472	- - 2/6½	6,607	- - 1/10½
	Watch - - - - - - - - -	8,525	- - -	340	- - -
	Museum - - - - - - - - -	3,400	- - -	160	- - -
			93,397		6,107
	Poor Rate - - - - - - - -	- - 2/4	*130,565*	- - 1/	*2,116*
	TOTAL Lighting, Sanitary, Watch, and Museum Rates -		927,081	- - -	43,087
	TOTAL Poor Rate - - - - - - - -		*1,284,113*	- - -	*22,890*
	TOTALS - - - £.		2,211,194	- - -	65,977
	Average per Year - - -	- - -	221,119	- - -	6,598
1847 to 1855.	Expended in Paving streets for owners - -	Paving -	49,000	- - -	19,000
1847 to 1855.	„ „ Making Sewers - - - -	Sewers -	65,335	- - -	9,670
	TOTAL - - - £.		114,335	- - -	28,670

- - - - - - - - - - (No. 85.)

RATES levied by the Corporation of *Liverpool*, and of POOR RATES by the Overseers.

Township of Everton.		Township of West Derby.		Township of Toxteth Park.		TOTALS.	GRAND TOTAL.
£.	£.	£.	£.	£.	£.	£.	£.
6,337	- - 1/8	6,286	- - 1/8	16,579			
575	- - -	539	- - -	1,502			
50	- - -	47	- - -	130			
	6,962		6,872		18,211	129,032	
- - /8	2,755	- - 1/2	4,663	- - 3/2	31,434	200,497	
							329,529
11,906	- - 2/11	11,657	- - 3/1	30,680			
623	- - -	562	- - -	1,497			
72	- - -	65	- - -	173			
	12,601		12,284		32,350	171,166	
- - 1/1	4,803	- - 1/3	4,859	- - 3/	28,870	148,489	
							319,655
9,547	- - 2/3	8,931	- - 2/8	25,562			
732	- - -	615	- - -	1,558			
75	- - -	64	- - -	161			
	10,354		9,610		27,281	156,633	
- - 1/3	5,445	- - 1/3	4,849	- - 2/2	20,879	204,108	
							360,741
6,231	- - 1/6	6,901	- - 1/10	19,227			
641	- - -	560	- - -	1,366			
none	- - -	none	- - -	none			
	6,872		7,461		20,593	114,090	
- - 1/3	5,360	- - 1/4	5,186	- - 2/6	22,994	143,295	
							257,385
5,442	- - 2/1	8,290	- - 1/7	14,535			
654	- - -	564	- - -	1,374			
113	- - -	98	- - -	245			
	6,209		8,952		16,154	106,991	
- - 1/6	6,544	- - 1/10	7,305	- - 2/6	21,334	143,946	
							250,937
6,449	- - 2/1	8,576	- - 1/8	14,374			
662	- - -	576	- - -	1,438			
229	- - -	197	- - -	454			
	7,340		9,349		16,266	118,611	
- - 1/4	6,236	- - 1/3	5,084	- - 2/6	21,272	139,781	
							258,392
9,147	- - 1/10	7,731	- - 2/1	17,578			
799	- - -	686	- - -	1,583			
326	- - -	265	- - -	607			
	10,272		8,682		19,768	134,137	
- - 1/6	7,452	- - /10	3,523	- - 2/3	19,015	141,115	
							275,252
10,432	- - 2/	8,611	- - 2/3	19,780			
894	- - -	671	- - -	1,465			
348	- - -	307	- - -	602			
	11,674		9,589		21,847	149,743	
- - -	none	- - 1/	4,377	- - 2/6	22,002	164,689	
							314,432
9,801	- - 2/2½	9,978	- - 1/11½	17,355			
898	- - -	688	- - -	1,406			
348	- - -	307	- - -	602			
	11,047		10,973		19,363	149,197	
- - 1/3	6,636	- - 1/1	4,864	- - 2/	17,899	184,402	
							333,239
10,639	- - 2/2½	12,512	- - 1/11½	17,874			
882	- - -	689	- - -	1,378			
384	- - -	323	- - -	630			
	11,905		13,524		19,882	144,815	
- - 1/6	8,593	- - 1/6	7,249	- - 2/6	22,871	171,394	
							316,209
- - -	95,236	- - -	97,296	- - -	211,715	1,374,415	
- - -	53,824	- - -	51,959	- - -	228,570	1,641,356	
							3,015,771
- - -	149,060	- - -	149,255	- - -	440,285	—	
- - -	14,906	- - -	14,925	- - -	44,029	- - -	301,577
- - -	10,100	- - -	13,000	- - -	8,400	- - -	99,500
- - -	10,670	- - -	14,300	- - -	24,000	- - -	123,975
- - -	20,770	- - -	27,300	- - -	32,400	- - -	223,475

Appendix, No. 12.

Appendix, No. 12.

COURT OF KING'S BENCH, WESTMINSTER HALL, 14th February 1833.

The Mayor, Bailiffs, and Burgesses of Liverpool *v.* Bolton and Others.

Before Lord Chief Justice Denman and the following special jury: Richard Eneas Spurrier, Esq., James Blakesley, merchant, William Hood, merchant, Charles Hart, Esq., Thomas Harding, Esq., William Harmer, merchant, John Williams, Esq., Henry M. Jones, merchant, Edward Coutts, merchant, John H. Booth, merchant, Michael Openheim, merchant.

Counsel for the Plaintiffs, Sir *James Scarlett*, Mr. *Pollock*, Mr. *Starkie*, Mr. *Cresswell*, and Mr. *Follett*.

Counsel for the Defendants, Mr. Serjeant *Wilde*, Mr. *Kelly*.

Transcript of Messrs. *Cherers'* Shorthand Notes.

Mr. *Follett*.—May it please your Lordship,

Gentlemen of the Jury.—In this case the Mayor, Bailiffs, and Burgesses of Liverpool are the plaintiffs, and Thomas Bolton, Robert Lewen Bolton, John Ogden, and John Ferguson are defendants. The declaration states that the defendants were indebted to the plaintiffs in the sum of 500 *l.* for certain duties due on and payable for and in respect of divers goods, wares, and merchandise imported into, and for certain goods exported from the port of Liverpool. The defendants have pleaded they are not liable, and on which issue is joined, and that is the issue you have to try.

Sir *James Scarlett* then proceeded to open the case on the part of the plaintiffs, as follows:

May it please your Lordship,

Gentlemen of the Jury.—I have the honour to appear before you to-day on behalf of the plaintiffs, the Mayor, Bailiffs, and Burgesses of Liverpool; that is the corporate name by which the town of Liverpool is distinguished. They have commenced this action, as you learn from my friend's opening, to recover certain tolls against the defendants, which, I shall by and bye show you, by the evidence, they have received, and those under whom they claim have received, by the most ancient records in this country, down to this period, seldom disputed, but, whenever disputed, confirmed to them by the most solemn sanction and adjudication of the law. The defendants, as I understand, are respectable American merchants, who have thought proper to set them once more to prove their title to these ancient payments.

Gentlemen, if it were permitted, in any case, for an advocate to mix any personal feeling with the interests of his client, I might be pardoned, perhaps, in expressing, in the outset, the interest that I take in the Corporation of Liverpool. I am indebted to the county of Lancaster, in which my first professional expectations and hopes were cradled, for all that I possess in the situation I hold in my profession, and to the Corporation of Liverpool for the first brief I ever held in that county; and I shall reflect with some satisfaction on the close of this cause if I should be found instrumental in preserving to that corporation its unquestionable rights for a considerable distance of time. In the early stages of my profession, the first opportunity I had of being known in that county was in the feeble assistance which I rendered to the late Lord Erskine, in endeavouring to support and confirm their title. I feel also, as one of the public, an obligation to the Corporation of Liverpool for the distinguished and unexampled munificence with which its revenues have been distributed for the purpose of trade and commerce, for the improvement of the port of Liverpool, for the advancement of every species of traffic, and by which munificence, applied as it has been, judicially and liberally, the port of Liverpool has advanced with rapid strides to a rivalry with that of the metropolis in which we reside. Not much more than a century has elapsed since Liverpool commenced that career, under the auspices of the corporation, by means of the application of its revenues to the improvement of the port and commerce of the town, in which it has advanced with accelerating progress to the present day. You will find, or perhaps you already know, that, upon comparison with any port in the world, the

the cheapness, the despatch, and the facility which distinguishes the Corporation of Liverpool, places it at the very summit. London, of late years, has been endeavouring, by multiplying its docks and receptacles for ships, to continue a competition, in the course of which it has apparently yielded; because it is a remarkable fact, that in the very last year, when the duties of the customs in almost every port in England has fallen below the antecedent year, the same duties in the port of Liverpool have exceeded, and have enabled the general state of the revenue in that particular to be balanced by the excess of duties received in that port.

It has been known that the facilities furnished, that every accommodation for which a port ought to be most distinguished, has been carried to that point in the Corporation of Liverpool, that a West India ship of considerable burthen has entered the docks and discharged her cargo, received a fresh cargo, and taken her departure within four days; I may say, therefore, without contradiction, that in no port in the world does there exist such facility for commerce, and such advantages of a port as in Liverpool, the whole of which is owing to the public spirit and munificence of the corporation, who, within the last century, has expended much greater sums of money than the amount of tolls which they have annually received in the improvement of the port, in the facilities of commerce, and in the ornament and advantage of the town. If ever the time shall come, as come it must, when the Corporation of Liverpool, like every other institution, must decay through age, or if at an earlier period by the rash hand of violence it shall share the common fate of other corporations, sure I am it will live in the history of the country as an eminent example of the singular advantages which it has conferred upon the public, and upon the inhabitants of the town of Liverpool by the administration of its revenues, by its munificence, and by the discretion, as well as the liberality with which it has expended its revenues.

Gentlemen, the toll that we seek to recover has been received, if I were to depend upon the parole evidence only that I can give you in the cause, as long as any human memory can reach. If I advance from the stage at which parole testimony must stop, when you measure it by the duration of human life, I can show by the corporation books it has been received since the reign of Queen Elizabeth; and if I advance still higher, which I can only do by looking into the records of ancient times, I trace it up to the period of Henry the Eighth, Henry the Sixth, Henry the Fourth, Edward the Third, and Edward the First, even to King John. I believe that so clear a deduction of title, so undisputed and unquestioned a claim, has never yet been brought before a jury; in point of magnitude it is, perhaps, the greatest cause that ever was tried in this court. In importance to the public it equally calls for your attention, because I am very certain, whatever the opinions of those gentlemen may be who have thought it right now to resist the claim of the corporation, that if they should be defeated, that you must no longer expect the continued improvement of the port of Liverpool, which the increasing commerce and demands of mercantile men in that place may require. It shall be my endeavour in this state of the proceeding to divide the case into such parts as may class the evidence with a view to facilitate your inquiries, as well as his Lordship's understanding of the case. And I propose, therefore, first to set out the title of the Corporation of Liverpool from the most ancient times, and then to show what it is they claim under that title. I shall do that by arranging the written evidence into two separate parts, and then I shall proceed with the parole evidence to bring down the receipt of these tolls to the present period. Gentlemen, for that purpose, we have desired that the particulars of the written evidence, which we select from a great mass, for it is not necessary to trouble you with all, may be arranged in such a form as to draw together for his Lordship's consideration, to be placed immediately under his eye, the evidence relating to each of these heads, and I shall begin therefore with the title.

You are probably all aware that the greater part of the ports in England, perhaps all of them, in very early times were in the possession of the Crown; that the Crown in early times imposed at its pleasure such duties on the exports and imports of commodities as it thought fit, which was taken as part of the annual revenue of the Crown; that in the progress of time those ports have in some instances been conveyed to private individuals, along with the right to receive that payment, which at that time was established.

Individuals who claim a right to receive these ancient tolls must either found them on an Act of Parliament, or show that they were tolls originating in private property, and generally speaking, originating in the Crown. At a very early period of our history, before any Parliament existed, it was the practice of the Crown to farm out the tolls of the greatest number of the ports of England, not of all; but the southern ports in particular, in the very early periods of the reign of King John, were farmed out to a set of Lombards, being a set of Italian merchants, who came to this country, and gave the name to a street in the metropolis, and who for several successions farmed the revenues of the Crown, consisting of customs at the different ports. There is a curious document to show the state of England, a record which exists now, and I have seen it more than once exhibited in courts of justice, of the customs due to the Crown from almost all the ports on the southern shores of England as early as the reign of King John, and some of the northern it extends as far as Hull.

The port of Liverpool, along with the town of Liverpool, appears to have been the property of the Crown at the time of King William the Conqueror. You will find that from an

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entry in Doomsday Book, the earliest record we have of an authentic character; in which it appears that Roger de Poictou once held, but that the King now holds, all the land between the River Ribble and the River Mersey; those are the two rivers, the one of which the Ribble, runs through the heart of the county of Lancaster, the other divides that county from Cheshire. Liverpool is placed upon the shores of the Mersey, within the hundred of West Derby, that is, one of the hundreds in which Lancaster is divided; and you will find in some of the ancient documents continued allusion to Derby or West Derby, which includes that portion in which Liverpool is situate. The land between the Ribble and the Mersey includes the town of Liverpool and the shores of the Mersey lying between the town of Preston, which is about 32 miles from Liverpool, and the town of Liverpool, which lies on the extremity of the county and the shores of the Mersey. It appears by a document, which I shall lay before you, that King Henry the Second had granted the town of Liverpool to a person of the name of Fitzwarren. We find that in the reign of King John, who was the son of King Henry the Second, that Fitzwarren made an exchange with the King, and reconveyed to him the town of Liverpool, in exchange for some lands which probably had been forfeited by some of the proceedings of those times, and which the King conveys to Fitzwarren on his reconveying to him the town of Liverpool and some other possessions therein mentioned, which are stated to have been given to Fitzwarren's father by the father of the King. By these means the property returned into the Crown, and was vested in the Crown in the reign of King John.

After that period, the next document I shall show you is in the reign of Henry the Third. I merely put that in, because it is a charter granted by that King to the town of Liverpool during the period when it was vested in the Crown as part of its property; he grants to that town a charter of incorporation, and among other grants he granted to the burgesses and their heirs, "That whatever merchants shall come to the borough aforesaid with their merchandise, of whatsoever place they may be, whether foreigners or others, who shall be in our place, or shall come into our realm by our license, may safely and securely come to the aforesaid borough with their merchandises, and there safely dwell and thence safely depart, rendering therefore the right and due customs." I do not attach any conclusive importance to these words, except as they are further continued and explained in subsequent documents; but they serve to recognise what indeed every lawyer knows, and no lawyer has disputed; which all the antiquarian lawyers, who have written from the time of Lord Hale down to the present day, have stated as an indisputable fact; that in the ancient parts of the kingdom there always were customs of right due to the Crown; and the meaning of this charter, which is a grant of incorporation, which he had either confirmed or created, for some doubt exists whether Liverpool was a corporation by prescription or not, that all foreigners should come with their merchandise unmolested by the King, paying the customs of right due and payable. We find also that in the same reign an event took place which is not uncommon, that the King granted on farm to the town of Liverpool, to the borough of Liverpool and the town of Liverpool all that belonged to it. I find the grant is in these words: "We have granted to our honest men of Liverpool our town of Liverpool, to be held at farm from the Feast of St. Michael, in the 13th year of our reign, unto the end of four complete years, rendering therefore unto us in each of the aforesaid years at our Exchequer, by the hands of the sheriff of Lancaster, 10*l.*; to wit, at Easter in the 13th year of our reign 5*l.*, and at the Feast of St. Michael in the same year, 5*l.*, and so from year to year at the same terms, 10*l.*" Ten pounds a year therefore was the rent which the King received on granting the farm of the town to the bailiffs or people of Liverpool at that period. It was frequent, indeed it was the common practice in those days, for the Kings of England to grant the farms, that is, the leases of the revenues they held in particular towns, either to the bailiffs of the town, if they were a corporation, or to some person in the neighbourhood, who for a certain rent took upon himself the trouble of collecting what was due to the King, and you will find this rent of 10*l.* was a rent that continued many years; it was afterwards increased by the increase of the importance of the town. It appears in the reign of King Henry the Third, and after his grant to the town of the farm of the town, that that King granted, along with other possessions, "the whole land that he hath between the Ribble and the Mersey, that is to say, the town of West Derby, with the wapentake and all their appurtenances, the borough of Liverpool with the appurtenances, the town of Salford with the wapentake and all their appurtenances, the wapentake of Leiland, with all the appurtenances in demesnes, forests, hays, homages, services, and all other their appurtenances, and with all liberties and free customs to the aforesaid lands, wapentake, borough, hays, forests pertaining, as is more fully contained in the King's charter to him;" that is, the Earl of Chester. Here you will see, therefore, in the time of King Henry the Third, the title to the town of Liverpool is conveyed by the King to Ranulph Earl of Chester; that Earl of Chester had three daughters, one of whom, I believe the youngest, married William de Ferrars, Earl of Derby. The Earls of Derby do not take their title from the town of Derby in the county of that name, but from the hundred of West Derby, in the county of Lancaster. That William de Ferrars, Earl of Derby, died, leaving his son a minor, and you will find that King Henry the Third, by reason of his right as lord of the soil, by reason of the feudal tenure which gave the Kings of England in the case where property was held directly of the Crown, the right to the wardship of the heir, he granted to Edward, his eldest son, who was afterwards Edward the First, the guardianship of the land of Robert Earl of Chester during his minority.

The

The *Lord Chief Justice.*—Earl of Chester?

Sir *James Scarlett.*—The Earl of Derby, Robert de Ferrars Earl of Derby, during his minority. I take occasion to observe, in explanation, that by the ancient law of this kingdom, which continued to be the law until the 12th year of Charles the Second, a great portion of the revenues of the Kings of England, which consisted of territorial rights, were derived from what was called the wards and liveries, for which a court was established, in order to arrange and administer the King's revenues. Every person who died, leaving a minor, and who held of the King, held under these conditions, that during the minority the King had an indisputable right to enter into possession of the lands, and to take the rents and profits for his own use during the period of the minority, and was bound to no other duty with respect to the minor than to make him an adequate provision for his maintenance during that period; so that almost every person of high rank, or every gentleman of extensive fortune who held landed property, in those days was subject to that tenure; in case he died, leaving his eldest son a minor, the King was entitled to the rents and profits during the minority, and the heir, when he came of age, was obliged to make suit in the Court of Wards and Liveries for the deliverance of his estate, for which he very often compounded with the King, and paid a very considerable fine; and this right of guardianship was assignable, so that the King granted it to such person as he thought fit to make a provision for; so that not only the King, but individuals also, became possessed of the guardianship of minors, which they held of the same tenure. They had the same rights of conveying the guardianship of wards, who held by knights' service, from one person to another, so as to make a profit of them, as you would of a real estate. Accordingly we find, in the exercise of this right, King Henry the Third conveyed the whole of the estates that belonged to Robert de Ferrars, during his minority, to Edward, the eldest son of King Henry the Third; and we have an account rendered afterwards by the bailiffs of Prince Edward, in the 41st year of King Henry the Third, and, among other things, the account says, "West Derby, Liverpool, and the Members, Henry de Lee, bailiff, renders account for the aforesaid time: the same renders account of 10 *l.* for the town of Liverpool, set to farm, with the tolls, stallage, passage, with two water-mills and one windmill; and for 3 *s.* 9 *d.*, for the rent of two messuages for the term of the Annunciation; and for 66 *s.* 1½ *d.* for the rents of assize" of some other places which were not far from Liverpool, and which now exist. This sum is rendered to show, at that period, the town of Liverpool was let by the bailiffs of Edward the Prince, and they received a rent, and accounted to him for it.

Gentlemen, it appears when Robert de Ferrars came of age—I state that as matter of history, although we have records here to prove it, it is not essential to the title, and I only state it for explanation—Robert de Ferrars, in the time of King Henry the Third, who had a very long reign, when he came of age he thought fit to join with Simon de Montfort, Earl of Leicester, in the rebellion of the barons against the King. The reign of Henry the Third was a very troublesome reign, in consequence of that monarch choosing, after he came of age, to deny the confirmation of the charter of King John. His reign was very troublesome; he had frequent conflicts with the barons, and they sometimes took different parts in the civil wars that existed; and Robert de Ferrars, Earl of Derby, having taken part with the Earl of Leicester against the King, his estates became confiscated and forfeited to the Crown; and on that occasion King Henry the Third made a conveyance of those estates to his youngest son, Edmund. He granted to Edmund, his "dear son," the castles, "and all the lands and tenements, with all wards, reliefs, escheats, homages, services, knights' fees, advowsons of churches, and all other their appurtenances." So that you see that which Edward the First, then the Prince, possessed as guardian of Robert de Ferrars, was afterwards, when Robert de Ferrars forfeited his estate, conveyed to Edmund, the youngest son of King Henry the Third; and by those means the town of Liverpool and all that belonged to it, and indeed with the whole property of that family in the county of Lancaster, became vested in Edmund, the youngest son of Henry the Third, and he was created Earl of Lancaster. You will find that by several documents I shall produce to you; among others, an inquisition after the death of that Edmund, for in those days the practice was, whenever any person died who held of the King, you have an inquisition after his death held by a jury, who investigated the lands which he held and the tenure, and made a return, which was placed on record, that the King and his officers might have recourse to it; and you will find on the requisition held on the death of Edmund Earl of Lancaster, that, among other things, Liverpool is mentioned, and mentioned in these words, "They say that the rent of assize of Liverpool is worth, by the year, 8 *l.* 7 *s.* 6 *d.*; also the herbage of the garden, with the dove-house, 10 *s.*; and the passage over the Mersey 26 *s.* 8 *d.*; and there are there two mills, one a water-mill, and the other a windmill, worth by the year five marks; fairs and tolls of market, with foreign tolls are worth about 10 *l.*; the perquisites of the courts of the town are worth about 40 *s.* by the year—sum 25 *l.* 10 *s.*" That is the value received and accounted for; but value found, being the gross value at the time of the death of Edmund, the youngest son of Henry the Third.

The *Lord Chief Justice.*—An inquisition upon his death.

Sir *James Scarlett.*—Yes, an *inquisitio post mortem.* Edmund, Earl of Lancaster, left a son Thomas, to whom the same property descended, and, upon the death of Thomas, he was succeeded by Henry Earl of Lancaster. At that period King Edward the Third was on the throne, and Edward the Third created Lancaster into a county palatine, and made Henry Earl of Lancaster a duke. The first Duke of Lancaster was Henry, the grandson of

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Edmund, who was the son of Henry the Third. Henry Duke of Lancaster on his death left two daughters, the youngest of whom was called Blanche; she had for her dower that portion of the possessions of Henry Duke of Lancaster, which lie in the north-west parts of the kingdom, and embraced the county of Lancaster; Liverpool, therefore, with the hundred of West Derby, with many other possessions, castles and manors that are connected with that title, fell into the possession of Blanche, the youngest daughter of Henry. She married John of Gaunt, the fourth son of King Edward the Third. Upon her marriage, John of Gaunt became possessed, in right of his wife, of all this property; the county Palatine was confirmed to him by Edward the Third of his father, and the duchy of Lancaster, was created and re-confirmed. The duchy of Lancaster was created with certain privileges, which I need not mention now, which are pretty well known to those acquainted with the duchy. You are well aware, gentlemen, that John of Gaunt was the father of King Henry the Fourth; John of Gaunt was Earl of Richmond. It seems that his eldest son, Henry the Fourth, took the title of Earl of Richmond, not that of Duke of Lancaster; he was called Earl of Richmond when he ascended the throne, and from that period, the accession of Henry the Fourth to the throne of England, the title of the duchy of Lancaster has been united with the Crown.

Now, during the period of the separation, I shall produce to you two or three documents. I think I have two or three documents in that period, not that they are important; I need not trouble you with them; I will not open what I do not mean to prove; but I was just pointing out the separation of this property from the Crown, first in the time of Henry the Second, then being re-united in the time of King John; and again the separation afterwards in Henry the Third's time, and then its reunion on the accession of Henry the Fourth to the Crown, with the duchy of Lancaster. You will find, gentlemen, that Henry the Fourth was the son of Edward the Sixth; but I will mention a document, not so much for the illustration of the tolls as to show what Liverpool was in the time of King Edward the First, the son of Henry the Third. "The township of Liverpool comes by 12 jurors concerning wreck of the sea; they say that a certain ship, which belonged to Peter-le-Poor, was wrecked in the port of Liverpool, in a certain place called Crossebyschort, and William de Aldmundbury took away certain of the goods of the said Peter, which were wreck of the sea." I mention this merely for the purpose of showing that at that early period there was a port of Liverpool, and that the town of Liverpool had jurisdiction over the port, because we find 12 men, a jury of the town of Liverpool, made a return respecting a wreck of the sea within the port of Liverpool. I shall also show you by several documents between the parties when I shall come to show what this property was, that the port of Liverpool had become, since the conquest of Ireland, one of the places from which the kings of England transmitted their men-at-arms, their ships and stores to Ireland, and occasionally to Wales. We know, at the time of King Edward the Third, Wales was finally conquered, and from Edward the First to Edward the Third there were constant struggles with Ireland, which originally was occupied by Henry the Second, and I believe some documents exist in the time of Henry the Second for the purpose of showing a collection of ships sent to that place. I only mention it as a matter of curiosity, that in the history of those times it is remarkable that not one historian has mentioned the fact that a great military equipment was sent from Chester to Ireland, although that fact is authenticated by documents existing in the most authentic form in the Court of Exchequer. But you will find with respect to the wars with Scotland and Wales, that the king directs to the bailiffs of the town of Liverpool what they shall do regarding the port of Liverpool, for the purpose of facilitating his enterprizes in those wars. Allow me to give one for example; it is in the time of King Edward the Third. It appears to be a writ directed by the king, first to the constable of the castle of Dover, and then to all the different persons whose names are enumerated in a long list in different parts of the kingdom; but I will read one which is an example of the rest: "Whereas we are given to understand that the Scots, our enemies and rebels, have made, and cease not daily to enter into confederacies and alliances with men of foreign lands, in order to make war on us and our people, as well by sea as by land, we, being desirous to obviate their malice, and to provide for the safety and defence of the kingdom and lands, do command you that all ships carrying the burthen of 50 tons of wine and upwards in the ports and places within your bailiwick, now being in those ports and places, you do cause to be detained, and all and singular the owner of ships of the like burthen, of the said ports and places which now are without those ports and places, and you cause to be warned, that they cause the same ships to be brought back to those ports and places with all the despatch possible; and that they cause all the said ships to be made ready without delay, and to be furnished with double equipments and other things and necessaries for war, so that they may be ready and prepared to depart on our service for the defence of us and our kingdom." That is sent to the constable of the port of Dover; and the same writ of the king's castle, of Karesbroke, in the Isle of Wight, the same writ to many other places, and among others to the bailiffs of the town of Liverpool. At that time, therefore, you see the bailiffs of the town of Liverpool, in their capacity of bailiffs of the town of Liverpool, were supposed to have some control and authority over the port of Liverpool. In point of fact, those who rented the town from the king rented also the port, as you will find by other documents. There is another in the reign of King Edward the Third, where the same thing is mentioned, where the order is given "to excite, and on our behalf to lay the charge on you, that the whole navy of the land aforesaid, competently armed, shall be sent with all speed to the ports of Liverpool and Chester, there to wait for the King's commander-in-chief of the expedition, to proceed to Ireland." Again, I find in the 47th year of the reign of King Edward the Third, a remarkable example to show that the port

was

was considered as a port of the town, because this is a writ from the King: "To all and singular admirals, sheriffs, mayors, bailiffs, ministers, owners, masters, and mariners of ships, and other his faithful subjects, to whom, &c., greeting. Know ye, that we have assigned our beloved Simon Chancellor, clerk, and Walter de Eure, jointly and severally to press without delay all ships of the burthen of 20 tons and upwards to 200 tons in the port of Bristol, and in all ports and places from thence to the port of the town of Liverpool, and to cause the same to be brought to the port of Liverpool," where they were to be collected for the purpose of making an expedition in the King's wars. I mention these documents for the purpose of showing to you the town of Liverpool at that time was an appurtenance to the port, and that when the King leased the town, of course the port was leased along with it. Now you will find a conclusive proof of that in the leases granted in the time of Henry the Sixth, and you will recollect Henry the Sixth was the grandson of King Henry the Fourth; and I find in the year 1444, in the 22d year of his reign, this lease granted, which I will read to you: "With the advice and consent of his council of his Duchy of Lancaster." You are probably aware, that during the union of the duchy with the King, from that time to the present day, the Duchy of Lancaster has always acted under a separate seal and separate council, and therefore the grants made of any property in the duchy have always been granted under the seal of the duchy and county palatine. "With the advice and consent of his council of his Duchy of Lancaster, hath delivered to and farm let to Thomas de Lathome, Esq., the fee farm of his town of Liverpool, in the county of Lancaster, with all manner of appurtenances, profits, and commodities to the same town belonging." Now what were the profits and commodities to the same town belonging? Why at this distance of time it might be perhaps difficult to ascertain, except you come down to the more modern usage to explain it. It will appear in this very lease that the profits of the port are clearly included in the lease of the town; here is a conclusive proof of it, if you will do me the honour to attend to it, "the fee farm of his town of Liverpool, in the county of Lancaster, with all manner of appurtenances, profits, and commodities to the same town belonging," save and except certain things, and among the exceptions are "the prisage of wines within the port of the town aforesaid." Now that exception clearly shows that, had it not been for that exception about the prisage of wines, that one of the rights of the Crown, in respect of the port, would have passed to the lessee under the general lease of the town of Liverpool. The rent reserved is 21 *l.*, to be paid to his receiver of the county of Lancaster. Then you will find another lease, in the time of King Edward the Fourth, in which the terms are, "that he grants, by the advice of his council of the Duchy of Lancaster, has granted, delivered, and to farm let to Edmund Crosse, a certain town called Litherpull, in the county of Lancaster, parcel of his Duchy of Lancaster, together with two corn mills, and all franchises, customs, and liberties whatsoever, and with all other appurtenances to the same town anciently due or belonging, to have and to hold the said town, and also the two corn mills, with all franchises, customs, and liberties, and with all other appurtenances to the same town anciently due or belonging, to the aforesaid Edmund and his assigns from the feast of St. Michael the Archangel last past before the date of these presents, to the end of the term of 12 years then next following, and fully to be completed; yielding therefore annually during the aforesaid term, to the aforesaid Lord the King, his heirs and assigns, 14 *l.* sterling, as it has been answered to our said Lord the King in divers former accounts." I read this for the purpose of showing what it was the Crown possessed at that time, for you see the property was vested in the Crown. Gentlemen, there are one or two leases of the same sort, that I will have read to you, which I will not at present detain you with, merely for the purpose of showing what was the nature of the title and occupation which the Crown then had. It appears that the town, and all commodities of the town and port, were leased at different times to different persons; who the persons were, at this time we cannot say; the probability is that they were some members of the Corporation of Liverpool. The property continued in the Crown, subject to the same mode of granting it out on lease, to the time of King Charles the First; but I should take occasion to mention, in the interval between Henry the Sixth and Charles the First, it appears to have been the practice of the Crown to grant many of its leases to the family of Sefton, the family of Molyneux, an ancient family situated near the town of Liverpool, and who in very ancient times were the King's bailiffs. The Molyneuxes appear to have received these leases of the possessions of the Crown, including the port of Liverpool, and the customs belonging to it. They were, in general, either granted by sub-lease to the corporation, or, in many instances, they granted only half. So that you find, when we come to look at that part of the case, that the Molyneux family were in the habit of granting one half of the term they held to the Corporation of Liverpool, who appointed a customer to collect the whole, and pay the rent for one half, and render the remainder to the bailiffs of the Molyneux family, and that continued—sometimes there was a direct grant to the corporation, sometimes a grant to the Molyneux family—that continued down to the reign of Charles the First; and I find in the year 1628, in the fourth year of that King's reign, he having occasion to borrow a large sum of money, which the corporation of London advanced to him, he granted in return for this a great variety of possessions, some of which still remain in the corporation of London, and among others he granted "all that his township of Liverpool, parcel of town of Lancaster, in the aforesaid county of Lancaster, with every their rights, members, and appurtenances, and all that boat and passage over the water of Mersey there, and the butchers' shambles in the said town of Liverpool; also all the stallage and tolls of the market and fairs, with the perquisites of the courts in Liverpool aforesaid, and all customs, anchorage,

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and key toll of the water of the Mersey aforesaid, and within the aforesaid town or lordship of Liverpool aforesaid, then or late in the tenure or occupation of Sir Richard Molyneux, Knight, or of his assigns, by the particular thereof mentioned to have been of the yearly rent or value of 14*l.* 6*s.* 8*d.*, and to have been parcel of the lands and possesssions of the ancient duchy of Lancaster, and also all and singular farms," and so on. All this was granted by the King to Ditchfield and others, as trustees for the corporation of London; after Ditchfield and the trustees became possessed of this, you will find that they, with the consent of the corporation of London, conveyed their rights. The King had received 14*l.* 6*s.* 8*d.*, which you will find by some of the documents I will show you by and by, was an increased rent on the ancient farm of the town; the King received 14*l.* 6*s.* 8*d.*, so that this was a perpetual grant to the corporation of London, in fact, for the perpetual rent of 14*l.* 6*s.* 8*d.* Afterwards the trustees of the Corporation of London conveyed this property to the family of Molyneux, and the family of Molyneux afterwards purchased the rent of 14*l.* 6*s.* 8*d.* from the Crown. During the period of their possession that family granted a lease to the Corporation of Liverpool for 1,000 years; they were to pay 14*l.* 6*s.* 8*d.* for the town and port of Liverpool, and they re-granted it for 1,000 years to the Corporation of Liverpool for 30*l.* a year. It remained under that grant in the Corporation of Liverpool, and would have remained to this day, except that in 1777 the Corporation of Liverpool purchased the reversion for a sum of two or three thousand pounds from the Molyneux family. The reversion of the lease for 1,000 years was not worth much, and the corporation paid a liberal price for it. Thus I have shown the title of the Corporation of Liverpool. We have not yet entered into the particulars to see what was the nature and value of the property. I have stated these generally, and thought it right to class it under one head in order to show the title, so that his Lordship and you should have in one view in this book the documents we propose to put in which show the title. Now the title to what, is the next question. The title is derived directly from the Crown to the Corporation of Liverpool. Gentlemen, at the period when this corporation from the first lease from the Crown began to take these customs, when the Crown itself, by its bailiff, first received them, when Liverpool first rose into a place of any sort of consequence, the trade with foreign countries was very insignificant. In point of fact, it is not above 50 or 60 years ago, since you would have found persons then living who would have recollected the town of Liverpool, in comparison to what it now is, almost a fishing town. I remember the late Lord Erskine, in the very first case to which I alluded, when he went down to Liverpool for the purpose of vindicating the rights of the corporation at that time, in which he succeeded, a great many years ago, speaking of his having seen it himself in the early part of his life, when he was in the navy, and expressing his astonishment at a distance of forty years when he saw it afterwards, at what a handful of men had done for the magnificence and improvement of the town; the fact is, that these tolls hardly exceeded at the periods of the reign of Henry the Eighth and Queen Elizabeth, and for some years afterwards, the sum of 30*l.*, which you will find the Corporation of Liverpool paid for them, and it is not until the reign of Queen Anne, the Corporation of Liverpool having expended its revenues from other sources in the improvement of the town, solicited and obtained the first Act for building docks in the town, from which period those docks have been from to time enlarged, improved, and multiplied, and from that time you may date the increase of the town of Liverpool; so that what was a mere trifle, I believe, in the reign of Queen Anne, which did not exceed 200*l.*, has come now, by the mere operation of the improvements of the town, together with the general wealth of the county of Lancaster, to a very considerable sum of money annually. At the time the Crown conferred it, no doubt the price was considerable which it obtained for it; no person at that time thought it would ever rise to its present magnitude. At the time when the Earl of Sefton, then Lord Molyneux, conveyed it for 1,000 years to the corporation, of course they had no idea it would arrive at its present magnitude; they took a rent of 30*l.* a year, they paying 14*l.* 6*s.* 8*d.* to the Crown; nor would it ever have arrived at that magnitude had it been in private hands; because it is not to be supposed, that had it remained the property of the Earls of Sefton, that they would have been at the risk and expense of multiplying facilities by docks in the town of Liverpool for the purpose of encouraging the commerce; that was done by the Corporation of Liverpool, consisting of the commercial men in the town, who had an interest in the prosperity of commerce, and they by degrees have brought it to what it now is, and they are entitled, as I trust they will be found to be, to your verdict, to the revenue which they derive from those tolls and customs. It may be truly said that they have made that which they now seek to possess.

Gentlemen, I now proceed to show you the leases, in order to show the possession under the Crown, and afterwards the title, which I have traced to the Corporation of Liverpool. I will now proceed to show you the leases, and I shall begin with the reign of King Henry the Eighth. I find in the twelfth year of Henry the Eighth, this grant: "The King has let to farm to Alice Gruff, widow, and Henry Ackers, the farm of the town and lordship of Liverpool, with the appurtenances, in the county of Lancaster; also the farm of one boat and the passage over the water of Mersey; also the farm of the butchers' shambles there, and the farm of the storeage and tolls of the market and fairs, with the perquisites of the court there; also the farm of the customs and anchorage or of the water of Mersey," these are the customs of the water of Mersey, which are the very customs we are speaking of; "within the lordship of Liverpool aforesaid; and the farm of one corn mill, called the Wavertree Mill, in the lordship of West Derby, parcel of the Duchy of Lancaster, to have, &c., to the aforesaid Alice and Henry and their assigns, from the feast of St. Michael

Michael the Archangel next after the date of these presents to the end of the term of 21 years then next, yielding to the King and his heirs for the farm of the town and lordship aforesaid, and so on, "fourteen pounds of ancient farm." Now, by one of the early document that I believe I adverted to, you will find 14 *l.* was the rent for the town of Liverpool and its appurtenances, and it says what those appurtenances were in a more detailed and formal way; the 6 *s.* 8 *d.* is an improved rent. There are various leases that I shall show from that time down to the period when the property was parted with by the Crown, all which are more or less in the same terms, growing longer as they come down to a more modern period; for among other improvements in the various arts and sciences that the moderns boast of, the length of conveyances and pleadings are very much increased, and therefore that little title which, at the time of the Conqueror, you could hold in the palm of your hand, would swell out to a page in the time of the Henrys and the Edwards, now come down to cover sheets of parchment; and as we advance in time, the cases become more full and more specific, no more matter is conveyed, but it is still conveyed by a larger surface of parchment. There happens to exist now—gentlemen, excuse me for making the observation by the way—there happens to exist in the family of the noble Duke of Somerset the original marriage articles signed by King Henry the Eighth and his wife, the Lady Jane Seymour, of whom the Duke of Somerset was the father; and I have seen those articles, which would not more than occupy that page, articles of marriage by a king and his consort. I believe very few kings now get marriage articles, or princes either, in so short a compass. Gentlemen, the second part of the documentary evidence will show you the leases to the different persons, among the rest to the Molyneux family, and the sub-leases from them to the corporation of this very property, and that will come down to periods comparatively modern. Appendix, No. 12.

The next head of evidence I propose to show you, is by documents in the possession of the Earl of Sefton. I shall show you, as far back as the most ancient times, documents possessed by that ancient family, the steward's accounts of the Molyneux family as far back as the reign of Queen Elizabeth, in which you find the stewards accounting to their masters for the rent received from the Corporation of Liverpool in respect of that very lease, showing rent was actually paid by them at that time, and I believe in some instances you will find the stewards accounting for them as arrears. They paid a specific rent for one half, and the rest they were to account for as bailiffs, and sometimes there were arrears. What is due is generally mentioned in the accounts; I do not go through the details, you will have that when the documents are produced before you. I characterise them now as accounts of the stewards of the Earls of Sefton, which, for a considerable period, show the Corporation of Liverpool paid rents for these things to that family.

Gentlemen, there is another class of evidence that I shall show you, which is, that in very early periods the Corporation of Liverpool were in the habit of imposing fines on such of the freemen as made use of their privilege of freemen to colour the goods of foreigners, and thereby to avoid the toll; because, I ought to notice to you the freemen of Liverpool are exempt themselves from the toll; it is only payable by persons who are not free of the town. A freeman of the town who imports goods belonging to strangers, must pay in respect of those goods, although not for his own, and the corporation, by their bye-laws prescribe penalties on such of their own body who use their names to colour the goods of foreigners, and there is a head of evidence of that sort which I shall lay before you.

I come next to the books of the corporation itself; and you will find from those books that in the very earliest times, as far back as any books now exist, which is the time of Queen Elizabeth, that the corporation were in the habit of appointing what they called a customer, and the customer was to receive these very dues, and to account annually for them to the corporation. You will find the account audited, and you will find, in some instances, the customer had sureties, who entered into a security for him for the faithful accounting of what he received; and you will find those sureties signed the account, sometimes admitting what remained due from the customer for what he so received and not yet paid. That will make them legal evidence to be laid before you, from whence you will see, in very early times, while the Corporation of Liverpool was paying the Earls of Sefton, the Lord Molyneux, the rent under its lease, it was also appointing its officer to receive the dues, and that officer always accounted for those dues. I shall take occasion here to state, that at that period, when the town of Liverpool was not very considerable, and when it was not worth the while of any individual to build warehouses for the public, one of the acts done by the corporation was to build a public warehouse; they called that a hall, and they accommodated the importers of goods, and the exporters of goods, with the opportunity of putting their goods into that hall or warehouse during the period they were to remain in Liverpool, and they exacted exactly the same amount which they derived from the ancient customs; and so, during the short period when they received the ancient rent, as well as the customs and dues, the amount was double, they called that hallage, they thought fit to make the same charge in respect of that hallage which they were accustomed to receive for the customs. But as soon as the town increased in magnitude, and it had become the interest of individuals to have their own warehouses, that hall was prostrated, and no longer used for that purpose, and then the ancient custom was received.

Gentlemen, I think, in the reign of Queen Anne, or about that period, the corporation appear to have appointed a treasurer, and that treasurer was to account, and those accounts are distinctly made out from year to year, and furnish a very important document. Now, if you will give me leave, I will state to you what will be the result of it; it is not a document that exists, except that it is made for the purpose of bringing

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together, in a short compass, the increased value of this property, which is curious to look at as the history of the progress of the Corporation of Liverpool. These customs are very small; I do not go into what they are. You will see that by an ancient brass table of tolls which has been put up in the hall where the customs are received, as long as any man can remember; but you will find that the very tolls and customs that they now claim in the reign of Queen Elizabeth; for example, take the year 1580, sometimes they were very little. I find there was about 22 *l.*, sometimes that could be one-half of what the Corporation of Liverpool had; they did not make more than 40 *l.* by the whole. I find in the year 1623, 23 *l.* 2 *s.* 4 *d.*; in the year 1651, 13 *l.* 10 *s.* I take these for example, there are several others. In 1670, I find in one year 53 *l.* 16 *s.* 3 *d.* When we come to the next century, 1720, I find after the first docks erected, they came to 425 *l.* In 1729, 588 *l.* Then if you divide them into periods of five years, you find this sort of increase afterwards 648 *l.*, 1,163 *l.*, 1,338 *l.*, 2,162 *l.*, 2,899 *l.* Then in 1780, 4,479 *l.* In 1790, 10,440 *l.*; in 1801, 19,728 *l.*; in 1810, 21,418 *l.*; in 1820, 33,000 *l.* and odd; and from 1820 they have been increasing, not the amount of the tolls, but the amount of commerce, so as to come now to a magnitude which I say makes this the most important cause, in point of value, ever tried in this court; because they come now to between 49,000 and 50,000*l.* Now during the same period I will just mention to you what the corporation have expended of its revenues besides this. I do not speak of the dock dues, because the dock dues are made for the expense of building and repairing the docks: the Corporation of Liverpool have real estate, and with these funds, and with the estate they possess, they have been enabled to make these contributions for the public benefit of the town, for opening and widening streets from 1788, leading to the docks, £. ; in 1819 they spent 31,000 *l.*, in 1826, £. , for opening and widening an old street, under an Act of Parliament, which they did at their own expense; for opening and widening another street leading to the docks, £. ; for opening and widening £. , so that the aggregate sums that they have expended out of their own revenues since the year 1773 to the present time, merely in opening and widening of streets, 632,549 *l.*; and they have also in the building of gaols, in public edifices of the town, in building free schools, infirmaries, sessions house, in building fresh markets, slaughter-houses, paving the streets, and various other disbursements connected with the administration of the Port of Liverpool, and the improvement of the town, they have, in addition, spent a sum which makes the aggregate 1,168,168 *l.*; you may not be surprised therefore at the magnitude of revenue which has in fact been created by those means. The toll is exceedingly simple, and small for the individual to pay, and I will venture to say, that after this toll is paid by any merchant trading to Liverpool, that the facilities, and the cheapness for the accommodation of shipping in that port, and of merchandize with safety, which makes it the cheapest place to which he can send, or from which he can send his goods, so that you see the toll paid is a very cheap price given in consideration of a very great facility and a great accommodation. But, gentlemen, I will proceed now to state the treasurer's accounts; you will find the very large sums I have mentioned to you, I have taken by periods of five or ten years, from year to year, from the reign of Queen Anne to the present time; those sums are accounted for by the treasurer annually to the corporation, so that the corporation have been in the distinct receipt of these sums without question or dispute, which is proved by the evidence of their old books for the last 130 years.

Now I come to the parol evidence, as far back as any human memory can go; the oldest people in the town, and the oldest merchants in the kingdom, remember these payments made without dispute. A very remarkable case occurred in the year 1794, I think, and which illustrates what I ventured to throw out in the outset, that whenever the question has been disputed, their right has always received the most solemn confirmation of the law. I must here inform you that there are several corporations, who by their charters are exempted from paying toll in the Liverpool; Bristol is one, London is another, Lancaster is a third, and I think there are one or two in Ireland, and their charters are enrolled among the Corporation of Liverpool records for the purpose of showing their exemption, but the corporation has always confined the exemption to such freemen of those different cities as reside in Liverpool, and not to non-residents. In the year 1794 or 1795, the city of London thought fit to question the limits of that exemption, and they contended that a freeman of London, wherever he resided, was entitled to exemption. Now as the freedom of London is obtained for a sum of money, the Corporation of Liverpool thought their right was very much endangered if they did not resist this attempt to limit the exemption, and they contended that the charter confined the exemption to the resident freemen only of the different corporations to which that exemption was extended, and accordingly, at the period I have mentioned, the Corporation of Liverpool brought an action against a non-resident freeman of London, to recover toll on goods imported and exported by him to and from Liverpool. The Corporation of London took up the case and defended their freemen, and a trial took place at Bar in the Court of Exchequer; the late Sir Archibald Macdonald presided; Mr. Baron Thompson was a Baron of the Exchequer at the time, and the trial was conducted by the most eminent men of that day at the Bar. The Corporation of Liverpool was fully established by a special jury and the four Judges in that Court. At the period when that trial was about to take place, and from the commencement of the action, many gentlemen who were freemen of London, and who had commerce with Liverpool, but who did not reside in Liverpool, thought it right, as the question was pending, to withhold their payments, and many thousands of pounds were withheld during the period while that case was in agitation. The moment the cause was decided, as I will prove to you,

you, they paid the whole arrear, and from that time to this they have never disputed it. Now that, I think, is one of the most solemn instances that could be adduced from the adjudication of a question in a court of justice, when you see the Coporation of London, with all its resources and wealth, could not dispute the general right, but claimed only a particular exemption which they failed to establish. There have been occasionally other disputes, hardly worth while to mention after that, one with the town of Lancaster, which failed in the same manner. There is no occasion to overburthen the case with a mass of evidence; the effect is, as I have stated, of that dispute to the present day, no objection has occurred, and no man has disputed it until the present defendants, and now the corporation are placed in the same predicament; for of course while they resist it, the merchants generally, who are anxious to throw off the burthen, will not pay at all. Many of the most substantial merchants in Liverpool are highly sensible of the great advantage of having a corporation that makes so liberal a use of the revenues. The defendant, the gentleman who defends this, is an American merchant, and of course he is entirely guided by the class with which he acts. I do not blame that gentleman, who is not acquainted with these rights, for insisting on their being proved; if he had taken some trouble to inquire, he might possibly, at less expense, have ascertained the right which, I trust, will be established and confirmed by your verdict. I am told, how the fact may be I know not, that this defence is by the Chambers of Commerce at New York.

Mr. Serjeant *Wilde*.—I am sure you do not mean to say any such thing, we have had quite fable enough.

Sir *James Scarlett*.—What fable do you mean.

Mr. Serjeant *Wilde*.—We shall see by and by, you know.

Sir *James Scarlett*.—I have stated very little except from records.

Mr. Serjeant *Wilde*.—Your two verdicts at Lancaster, for one thing, were against you, instead of for you.

Sir *James Scarlett*.—I never said a word about it; I spoke of a verdict in the Exchequer here.

Mr. Serjeant *Wilde*.—You said you succeeded; the verdict at Lancaster was against you, not for you.

Sir *James Scarlett*.—It was a *quo warranto*.

Mr. Serjeant *Wilde*.—Whatever it was, it was the other way; do not state facts you do not mean to prove; I cannot meet you at Lancaster.

Sir *James Scarlett*.—We did succeed.

Mr. Serjeant *Wilde*.—You failed; you said you succeeded; there were two verdicts the other way at Lancaster, and none for you.

Sir *James Scarlett*.—I do not wish to enter into that; that was no question about toll; it was a question upon a point of law that was reserved on the peculiar construction of the Corporation of Liverpool, in which Mr. E. finally succeeded. It was a *quo warranto* against an honourable friend of mine, the present Sir Joseph Birch. Sir Joseph Birch was ousted, and was not a member of the Corporation of Liverpool; a gentleman well known to my Lord as well as myself. The particular issue tried there had no relation to the tolls, nothing in the world, but finally the object of the corporation was attained in that contest; that, however, was collateral to this gentleman; if I had contented myself with what my friend did the other day in the Court of Common Pleas, when I had the honour to be opposed to him; when I did not tell him he had been talking fables, he established the coals of the Corporation of Norwich, without proving any one payment in respect of the individual toll above 30 or 40 years ago; he proved an ancient toll at markets, but he had not proved a single toll out of those markets until about 25 or 30 years ago; there was no opposition to the evidence, and he succeeded. I do not say his success was at all improper; but if I had rested this case on nothing but modern usage, if I had shown for 100 years we had received these tolls, increasing gradually from year to year, what answer could he have? He could have no answer. The Corporation of Liverpool every time they have been called into action have been ready with their materials; they thought it became them in those times especially to show they had ancient as well as modern rights, and although ancient rights are not in such great respect as they were formerly, yet the rights of property will be treated in courts of justice with the same reverence and respect. I shall not detain you longer with this case. I shall lay the evidence before you. If my Lord will give me leave, I will put into his hands one of these books, in which he will find extracted, in print, the parts of the several documents that he must hear read. It will save his Lordship the trouble of taking a note, except of what he may think fit in the margin, and that document will enable his Lordship, with such notations in the margin as he thinks fit, to make up a perfect note of all the evidence. We will also accommodate my friends with another, to show our liberality. I will make him a present of that which will facilitate him, and this will enable us to get through the cause with rather more dispatch than such a case would probably otherwise be attended with.

Now, gentlemen, I know not what course my learned friend will take, but I have a shrewd suspicion that you will hear no evidence from him at all, that is my suspicion, and that he will therefore take the benefit which no man can claim to a greater extent than himself, of his own eloquence and ingenuity, in endeavouring to make an attack on some little points that may occur to his sagacity that has not occurred to mine, in the course of my evidence. I suspect that will be the course my friend will take, I cannot say for certainty; he may have some evidence behind; he may show all these records are fables;

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that there is no truth in them. If so, we must endeavour to meet him in reply; but if he should content himself with labouring by his own ingenuity to overturn this mass of evidence, I shall only meet that endeavour with this one observation, although by way of anticipation, that whatever ingenuity counsel may exercise, you, gentlemen, will best discharge your duty by looking at the evidence; and I am sure that courts of justice will always best discharge their duty by lending their aid in support of established rights of property, and not by helping the ingenious dexterity of advocates to overturn them.

EVIDENCE FOR THE PLAINTIFFS.

Mr. *William Illingworth*, sworn; Examined by Mr. *Pollock*.

Q. I believe you either now, or formerly had, some office in the Tower?—*A.* I was deputy-keeper of the Records in the Tower, and one of the Commissioners of Public Records.

Do you produce the examined copy from Doomsday Book?—Yes, sir.

Where do you get that from?—From the Court of Receipt of the Exchequer in the Chapter-house at Westminster.

That should be marked No. 1; will you read so much of it, "In Chestershire the bishop holds," and so on?

The *Witness*.—"In Chestershire the bishop holds the same city of the King; it pertains to his bishopricke. All the rest of the land of the county Hugh the Earl holds of the King with his men. The land between the Ribble and the Mersey, Roger of Poictou held, now the King holds it."

Lord Chief Justice.—That is the translation?—Yes.

Mr. *Pollock*.—If necessary we shall prove, by-and-bye, that the land between the Ribble and the Mersey includes Liverpool; it is a well-known fact.

Lord Chief Justice.—I suppose the word Ribble makes it in Lancashire, otherwise it appears to be in Cheshire.

Sir *James Scarlett*.—It is very curious, my Lord, the port of Preston in Lancashire, which is almost in the centre of the county, is a member of the port of Chester, that is found in Molloy, in which he mentions an ancient roll of the members of the different ports, and he assigns Preston to the port of Chester.

Lord Chief Justice.—The Ribble is a good way in Lancashire.

Sir *James Scarlett*.—It runs from Yorkshire, runs through Preston; the whole of the hundred of West Derby lies between the Ribble and the Mersey.

Mr. Serjeant *Wilde*.—There is a map. (*A Map was handed up to his Lordship.*)

By *Lord Chief Justice*.—Why do you call it *Rip*?—*Rip* is a contraction for Ribble.

Mr. *Follett*.—It is not stated to be in Chester.

Lord Chief Justice.—I thought it was under the head of Chester.

Mr. *Follett*.—The Earl has and holds all the land in the county, and land between the Ribble and the Mersey Roger of Poictou holds.

By Mr. *Pollock*.—Is this under the head of Chestershire or Lancashire?—It is under the head of Chestershire. Lancashire is not described as Lancashire, "It is between the Ribble and the Mersey."

Mr. *Pollock*.—The very entry itself purports to be something beyond, because after stating the bishop holds the city, all the rest of the land of the county Hugh the Earl holds; then it says, "The land between the Ribble and the Mersey, Roger of Poictou holds." It is something beyond all the rest of the county, and if your Lordship has a map, it is a chart showing the limits and extent of the Port of Liverpool to the south, which is the River Mersey, and a little to the north of that there is the River Ribble.

Mr. Illingworth, have you searched among the records of the Court of Chancery, in the Tower of London, for the charter roll of the 9th of the reign of King John?—Yes, sir.

Document No. 2; do you find there, sir, a charter of King John relating to Henry Fitz-Warren?—I do, the 9th of John; shall I read it?

If you please.

The *Witness*.—"Confirmation to Henry Fitz Warine; John, by the grace of God, &c. Know ye the we have granted and by our present charter have confirmed to Henry Fitz Warine of Lancaster, the lands which King Henry, my father, gave to Warine, his father, for his service, to wit, Ravenesmoles, Amnolriesdale, and the French Lea, and eightpence rent, in the borough of Preston, and the English Lea, which we have given to him in exchange for Liverpool and Uplitther Land, which the aforesaid Henry, my father, had given with the aforesaid lands to the aforesaid Warine, his father (and) which the said Henry hath remised to us and our heirs, 'to be holden to him and his heirs.'"

Sir *James Scarlett*.—Uplither is a place now known by that name. Now perhaps your Lordship will allow me to call Mr. Foster to produce the document, No. 3.

Mr.

Mr. *Thomas Foster*, sworn; Examined by Mr. *Pollock*.

Are you the town clerk of Liverpool?—I am.

Do you produce a charter of the 13th of King Henry the Third?—Yes, sir.

Mr. *Illingworth's* Examination resumed by Mr. *Pollock*.

Have you translated that?—I have, sir.

Is that document, No. 3, a correct translation?—It is; there is a copy for his Lordship In the Latin.

Will you read the translation?

The *Witness*.—"Henry by the Grace of God, King of England, Duke of Normandy and Aquitain, Earl of Anjou, to the archbishops, bishops, abbots, priors, earls, barons, justiciaries, sheriffs, reeves, ministers, and to all his bailiffs and faithful people, greeting; Know ye, that we have granted, and by this our charter do confirm, that our town of Liverpool shall be a free borough for ever; and that the burgesses of the same borough may have a guild merchant, with an house and other liberties and free customs to that guild pertaining; and that no one who shall not be of that guild shall traffic in any merchandize unless by the consent of the same burgesses." "Also have granted whatsoever place they may be, whether foreigners or others, the right and due customs."

By Mr. Serjeant *Wilde*.—What is the word you have translated rendering?—

The *Witness*.—"Faciendo." "Also we forbid that any one shall do injury, damage, or grievance to the aforesaid burgesses, upon forfeiture to us of 10 *l.*; wherefore we will and firmly command that the aforesaid town of Liverpool." It is only a repetition.

By Mr. *Pollock*.—Now, sir, have you searched among the records of the Court of Chancery, preserved in the Tower of London, and do you find there in the 13th of the reign of King Henry the Third?—A lease.

Have you got that?—Yes.

That is a lease of the town of Liverpool?—A lease of the town of Liverpool, let to farm.

"Henry by the Grace of God, King of England, &c., know ye that we have granted to our honest men of Liverpool our town of Liverpool, to be held at farm, from the Feast of St. Michael, in the 13th year of our reign, &c."

Now, sir, in the records of the Court of Chancery, preserved in the Tower of London, do you also find a grant and charter to the Earl of Chester and Lancaster?—The 13th of Henry the Third. Number 5. "For R. Earl of Chester and Lancaster, the King hath granted and confirmed to Ralph Earl of Chester and Lancaster, all the land which he hath between the Ribble and the Mersey, in the county of Lancashire, to the west of the town of West Derby, with the wapentake and all their appurtenances, the borough of Liverpool with the appurtenances, the town of Salford with the wapentake and all their appurtenances, the wapentake of Leeland with all the appurtenances in the demesnes, forests, hays, homages, services, and all other their appurtenances, and with all the liberties and free Customs to the aforesaid lands, wapentake, borough, hays, forests, pertaining, rendering for all services; whenever he willeth, the said Earl and his heirs shall have and hold all messuages, houses, and so on."

Now do you find among the same records, in the 38th year of King Henry the Third, a grant to Edward, the son, of the custody of the land of the Earl of Derby, No. 6?—Yes; 1254. "Concerning the custody of the lands of the Earl of Derby. The King hath granted to Edward, his first-born son and heir, the custody of all the lands which were of William de Ferrer's, late Earl of Derby, on the day on which he died; to be had unto the full age of the heirs of the same Earl in part for the supplying of the defect of 15,000 marks of land, which by our charter we are bound to provide for him, together with the lands which we have given and granted to him in England, Ireland, and elsewhere; saving to the wife of William de Wilton, that he do take the fealty of all the tenants of the aforesaid lands, to the use of the aforesaid son of the King, and that he do also answer for the reasonable tollage to be assessed upon the aforesaid tenants out of the issues of the same lands at the King's Exchequer, to the use of the same son of the King as the custos of the same, so long as he shall hold the same custody, and that he do cause the same to be levied without delay. Be it known that the King hath sent James Frese, his escheator, to take to the use of the aforesaid son of the King the fealty of the tenants of the lands which were of the aforesaid Earl, in the counties of Northampton and Berks, and to assess a reasonable tollage upon the same. Witness, Alianor, the Queen, and Richard Earl of Cornwall."

Do you happen to know whether William de Ferrers married a daughter of the Earl of Chester?—I believe so.

Mr. Serjeant *Wilde*.—Until I have necessity to dispute it I will take Mr. Illingworth's word for it.

Are you acquainted with ancient charters?—Certainly.

Now, sir, among the records in the treasury of the Court of Receipt of the Exchequer, have you found an account of the bailiffs of Lord Edward, the eldest son of Henry the Third?—I have.

That is No. 7?—Yes; in 1257.

Read that if you please—

The *Witness*.—"The account of the bailiffs of Lord Edward, first begotten of the illustrious King of England, audited at the Exchequer at Bristol before the Lords Richard Abbot of Kingeswood, Galfrey de Cour and Elias de Cumber, treasurers, and Thomas de

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Boulton, clerk, West Derbyshire. Liverpool, with the members. Henry de Lee, bailiff, renders account for the aforesaid time. The same renders account of 10*l.* for the town of Liverpool, set to farm, with the tolls, stallage, passage, with two water-mills and one windmill; and for 3*s.* 9*d.* for the rent of two messuages for the term of the Annunciation; and for 66*s.* 1½*d.* for the rents of assize of Cuateby, Everton, and Waverton, for the term of the Nativity; and for 66*s.* 1½*d.* for rents there for the term of the Annunciation." I believe that is all that relates to it.

Now, sir, among the records of the Court of Chancery in the Tower of London, do you find, in the 50th year of King Henry the Third, a grant to Edmund, the King's son?—Yes.

Read it?

The *Witness*.—" 1266. For Edmund the King's son. The King to all, &c., greeting: Know ye, that we have granted to Edmund, our most dear son, the castles, and all the lands and tenements which were of Robert de Ferrars, with all their appurtenances, to have as long as it shall please us. In testimony whereof, &c., witness the king at Kenilworth, the 5th day of August, in the 50th year of our reign."

Now, among the same records, do you find an inquisition post mortem in the reign of King Edward the First?—Yes, sir.

Have you got it?—I have.

What year of the reign?—The 25th. It is my duty to state here, that this inquisition is very much defaced, the original; but those parts which relate to Liverpool are perfect.

The inquisition itself is generally defaced?—Yes.

But those parts that relate to Liverpool are perfect?—Many parts could not be read; but those parts relating to Liverpool are quite perfect.

Is it the 25th or the 26th?—It is the 26th. It is on the fall of the 25th.

Now, will you read that?

The *Witness*.—" An inquisition taken at West Derby on Wednesday, in the week of Penticost, in the twenty-sixth year of the reign of King Edward, of the extent of the lands and tenements, fees and rents, which were of Lord Edmund, brother of the lord, now king, in the wapentake of West Derby, by Alan le Norr."

By *Lord Chief Justice*.—Then the names of the jurors?—Yes, my Lord. " Who say, as to the first, second, and third articles," and so on. Then, my Lord, it states a number of places, and it comes to Liverpool, which is at the bottom of the page. " And they say that the rents of assize of Liverpool are worth, by the year, 8*l.* 7*s.* 6*d.*; also, the herbage of the garden, with the dovehouses, 10*s.*; and the passage over the Mersey, 26*s.* 8*d.* And there are two mills, one a water-mill and the other a windmill, and they are worth by the year five marks. The fairs and the tolls of the market, with foreign tolls, are worth about 10*l.* The perquisites of the courts of the same town are worth about 40*s.* by the year; sum 25*l.* 10*s.* 10*d.*"

Mr. Serjeant *Wilde*.—How far down does that begin?

By Mr. *Kelly*.—Mention the Latin word of fairs and tolls of the market?—The fairs and tolls of the market, with foreign tolls.

What are the Latin words from which you translate it?—*Cum forensis tolnetis.*

By Mr. *Pollock*.—Now, in the 20th year of the reign of Edward the First, do you find among the pleas of the Crown, about the wreck of the sea at Liverpool?—Yes.

Where do you get that from?—From the Court of Receipt of the Exchequer at the Chapter House.

Read that?—No. 10.

The *Witness*.—" Pleas of the Crown before Hugh de Cressingham, William de Oremsley, John Wagan, Master John Lovell and William de Mortimer, Justices Itinerant, in the county of Lancaster, in eight days of the Holy Trinity, in the 20th year of the reign of King Edward, the son of King Henry. Cressingham. The township of Liverpool comes by 12 jurors, concerning wreck of the sea; they say that a certain ship, which belonged to Peter le Poer, was wrecked in the port of Liverpool, in a certain place called Crossehyschort, and William de Alkmundbury took away (certain) of the goods of the said Peter, which were wreck of the sea, and detained them to his own use, and it is not known by what warrant; therefore it is commanded to the sheriff that he cause him to come. Afterwards the aforesaid William came and made fine of half a mark, by pledges of Adam de Tatelok and John de la More of Liverpool."

Mr. Serjeant *Wilde*.—I asked my friend whether I should ask the questions that occurred to me on the documents as they passed along; it would come more to the course of your Lordship's note than wait until the whole is concluded.

Lord Chief Justice.—Certainly.

Cross-examined by Mr. Serjeant *Wilde*.

What is the commission to which this answer is returned?—They are on the Rolls of the Justices itinerant on the circuit, the same as the Judges on circuit.

Is this the first entry relating to the town of Liverpool?—No, there are several others.

This is a presentment, is it?—They are the presentments by the hundred.

And this is the whole of the entry, is it, of the presentment; this is the whole of the presentment as to the wreck?—Yes.

What is the title of the roll, pray?—I read it this moment.

Is this the title (referring to the top of the book)?—Yes. "Pleas of the Crown before Hugh de Cressingham, William de Ormesley, John Wogan, Master John Lovell, and William de Mortimer, Justices Itinerant in the county of Lancaster, in eight days of the Holy Trinity."

There is no other title than that?—No; it is the roll of the Judges on the circuit. It was usual then to draw up all the pleadings in form on rolls; the four Judges, they each had a roll themselves, and one roll called the King's roll.

By *Lord Chief Justice.*—This is Cressingham's roll?—Yes, my Lord, this is Cressingham's roll, and not by a commission.

By Mr. Serjeant *Wilde.*—Are there any other presentments relating to the harbour or port there; any accidents?—No, I think not.

By *Lord Chief Justice.*—There are a great number?—I hardly looked at it with that view; but I do not believe there are; I am pretty certain there are not.

The Examination in Chief resumed by Mr. *Pollock.*

Now, do you find among the records of the Court of Chancery, in the first year of King Edward the Third, an order that no religious men shall go out of the kingdom?—Yes.

Do you find the bailiffs of Liverpool mentioned among those who are to keep the religious persons within the country?—Yes, they are. "For the King, that no man of religion shall depart the kingdom without licence. The King to his beloved and faithful Bartholomew de Burgherth, constable of his castle at Dover and warden of his Cinque Ports, or to his deputy there, greeting: Whereas we being unwilling that any abbot, prior, friar of the Order of Friars, preachers, friars, minors of Mount Carmel, or any other religious person of whatsoever condition or state he be, shall depart out of our kingdom at this time without our especial licence: We command you that ye permit not any such religious person to pass out of our kingdom through the ports aforesaid without licence. Witness the King, at Huntingdon, the 3d day of August." Then there is the bailiffs and officers of almost all the ports in England, and then the bailiffs of Liverpool.

By *Lord Chief Justice.*—In like manner it is commanded to the underwritten?—Yes, my Lord; that is to say, then there are the bailiffs of the town of Liverpool.

By Mr. *Pollock.*—Do you find among the records of the Court of Chancery, in the same place, a roll of the 7th of the reign of King Edward the Third?—Yes, sir.

By *Lord Chief Justice.*—An order for detaining in the ports all ships?—Yes, my Lord. "For detaining in the ports all ships carrying the burthen of 50 tons of wine and upwards, and causing the same to be fitted out for war."

Lord Chief Justice.—It would be enough to refer to the name of Liverpool.

Mr. *Pollock.*—That is all.

The *Witness.*—"To the underwritten;" among others, "To the bailiffs of the town of Liverpool."

By Mr. *Pollock.*—Now, sir, do you find in the patent roll of the 35th year of the reign of King Edward the Third anything relating to Liverpool connected with the coming of the Earl of Ulster to Ireland?—Yes. "Concerning the coming of the Earl of Ulster to Ireland." "The King to the Justice, Chancellor, Treasurer, and others of our Council in the land of Ireland, greeting: Recalling to memory how our Irish enemies and rebels, and others, have in great number destroyed our faithful subjects of the land aforesaid, and have wasted their lands and places, and cease not daily to commit such evil and wicked acts, and in process of time much greater are dreaded to be done, unless their wickedness be sooner restrained, we for the cause aforesaid have determined to send our most dear son, Lionel Earl of Ulster, with a competent armed force, to the land aforesaid; and for the comfort and solace of our adherents and faithful supporters in the said land, we have resolved to send beforehand our beloved clerk, Thomas de Baddeley, on whose faithfulness and circumspection we can depend, to announce to you and them the news of the coming of our said son and to excite on our behalf to lay charge on you that the whole navy of the land aforesaid, competently armed, shall be sent with all speed to the ports of Liverpool and Chester and other ports lying between (them) for the passage of our said son to those parts, so that it be there seven days before the Feast of St. Peter ad Vincular next coming at the latest."

By Sir *James Scarlett.*—What year of our Lord is this?—1361.

Sir *James Scarlett.*—It might be 1832; it is very appropriate.

By Mr. *Pollock.*—Do you find, in the same place, the patent roll of the 47th year of the reign of King Edward the Third, anything concerning the pressing of ships?—Yes. "Concerning the pressing of ships." "The King to all and singular admirals, sheriffs, mayors, bailiffs, ministers, owners, masters and mariners of ships, and other his faithful subjects, to whom, &c., greeting: Know ye that we has assigned our well-beloved Simon Charwellen, clerk, and Walter de Eure, jointly and severally, to press, without delay, all ships of the burthen of 20 tons and upwards of 200 tons in the port of Bristol, and in all ports and places from thence to the port of the town of Liverpool."

Lord Chief Justice. That is all you want, I suppose?—

Mr. *Pollock.*—That is all, my Lord.

Lord Chief Justice.—"The port of the town of Liverpool."

Do you find in the 22d of Henry the Sixth any lease for Thomas de Lathorne, farmer of the fee-farm of the town of Liverpool?—Yes, certainly; that is from the Duchy of Lancaster.

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Mr. *Pollock*.—Read it.

The *Witness*.—" For Thomas de Lathorne, farmer of the fee-farm of the town of Liverpool." "The King, &c., with the advice and consent of his council of his Duchy of Lancaster, hath delivered, and to farm let to Thomas de Lathorne, esquire, the fee-farm of his town of Liverpool, in the county of Lancaster, with all manner of appurtenances, profits, and commodities to the same town belonging (save and except to the same King and his heirs his park of Taxlath, to the same town adjoining, and the profits of turbary of the said King called the Oldernesse, and one messuage, with its appurtenances, which Henry Barker, deceased, lately held by the grant of Henry, late King of England, father of the aforesaid Lord the King; and except the prisage of wines within the port of the town aforesaid), and to do and support all manner of charges to the same town belonging or incumbent which the predecessors of Richard Cross, Robert More, Robert Caudray, Henry Mosock, and Hugh de Bothhul, late farmers and burgesses of the town aforesaid, have been accustomed to do and support during the term aforesaid; To have and to hold to the same Thomas and his assigns the said fee-farm of the town aforesaid, with all manner of appurtenances, profits, and commodities aforesaid, except as before excepted, from the Feast of St. Michael the Archangel last past."

Now, do you find in the 11th of Edward the Fourth a lease to Edmund Crosse, No. 16?—That is from the Duchy: "Lancaster. The King, with the advice and consent of his council of his Duchy of Lancaster, has granted, demised, and to farm let to Edmund Crosse, a certain town called Liverpool, in the county of Lancaster, parcel of his Duchy of Lancaster, together with two corn-mills, and all franchises, customs, and liberties whatsoever, and with all other appurtenances to the same town anciently due or belonging, To have and to hold the said town, and also the two corn-mills, with all franchises, customs, and liberties, and with all other appurtenances to the same town anciently due or belonging, to the aforesaid Edmund and his assigns, from the Feast of St. Michael the Archangel last past before the date of these presents, to the end of the term of 12 years then next following and fully completed; yielding therefore annually, during the aforesaid term, to the aforesaid Lord the King, his heirs and assigns, 14*l.* sterling, as it has been answered to our said Lord the King in divers former times, 2*s.* of increase at the Feast of Easter and St. Michael the Archangel, in equal portions."

Mr. *Pollock*.—That is enough. See if you find anything in the 14th of Edward the 4th?—The *Witness*.—Yes.

To Henry Crosse, No. 17?—Yes. "To Henry Crosse." That is from the Duchy of Lancaster. "The King, by the advice and assent of his council of his Duchy of Lancaster, hath granted, demised, and to farm let to Henry Crosse, gentleman, the town and lordship of Liverpool, with the appurtenances, in the county of Lancaster; and also one windmill called Akersmylne, and another windmill called Wartremylne, in the county aforesaid, parcel of the Duchy aforesaid, To have and to hold the town and lordship aforesaid, and other the premises, with the appurtenances, to the aforesaid Henry and his assigns, from the Feast of St. Michael the Archangel last past before the date of these presents, unto the end of the term of ten years thence next following and fully to be completed, rendering therefore yearly to the before named lord the king, and his heirs, 16*l.* of lawful money (that is to say), for the town and lordship aforesaid, with the appurtenances, 14*l.*, and for the said mill called Ackresmylne 20*s.*, and for the other mill called Watremylne 20*s.*, at the Feasts of Easter and Saint Michael the Archangel, by equal portions."

Have you found a grant in the 4th of Charles the 1st?—Yes.

Where does it come from?—From the Rolls Chapel in Chancery.

In Chancery-lane?—In Chancery. It comes from the Court of Chancery. "Know ye also, in further fulfilment of our great contract, and of the agreements and premises in the said several contracts specified, at the humble petition, nomination, and requisition of the said mayor and commonalty and citizens of London, did give and grant to Edward Ditchfield, citizen, and Slater John Heighlerd Humphrey Clark, citizen and dyer of London, and Francis Mosse, Esq., their heirs and assigns, for ever, all that our town or lordship of Liverpool, parcel of the honor of Lancaster, with every their rights, members, and appurtenances, and all that boat and pasage over the Mersey there, and the butchers' shambles in the said town of Liverpool; and also all stallage and tolls of the markets and fairs, with the perquisites of courts in Liverpool aforesaid; and all customs, anchorage, and key toll of the water of Mersey aforesaid, and within the aforesaid town or lordship of Liverpool aforesaid, then or late in the tenure or occupation of Sir Richard Molyneux, knight, or of his assigns, by the particular thereof mentioned to have been of the yearly rent or value of 14*l.* 6*s.* 8*d.*, and to have been parcel of the lands and possessions of the ancient Duchy of Lancaster." Among the general words, at page 370, you will find stallage, tolls, customs, pickage.

The *Lord Chief Justice*.—*Tolneta*, &c. (reading the Latin words.)

Mr. Serjeant *Wilde*.—That comes immediately after "Fairs and markets, issues of fairs, courts of pie poudre, stallage-tolls, customs, pickage, and so on?

The *Witness*.—Yes.

Sir *James Scarlett*.—Has your Lordship the Latin before you?

The *Lord Chief Justice*.—Yes.

Sir *James Scarlett*.—And all customs, anchorage, and keil, here the Latin is?

The *Lord Chief Justice*.—I think the word key toll is not there; it is an earlier part. (His Lordship reads the Latin down to the words "*et key toll.*") The toll of the quay received at the quay.

Mr. Serjeant *Wilde*.—I believe it is keel toll. It is a blunder there; it should be keel toll.

The *Lord Chief Justice*.—The word quay is spelt *q-u-a-y* in the old instrument, and *clavis* is the Latin word for it.

The *Witness*.—The habendum is at page 401: "To hold the aforesaid town of Liverpool, by the indenture of grant before granted, as parcel of the aforesaid Duchy of Lancaster, or to the same Duchy mentioned to be annexed, with every of their rights, members, and appurtenances, to the said King Charles, his heirs or successors, as of the manor of Enfield, in the county of Middlesex, by fealty only, in free and common socage, and not in capite nor by military service, in fee farm for ever, by and under payment of the yearly rent to the said King Charles, his heirs and successors, for and on account of the aforesaid lordship and town of Liverpool, in the same county, with the appurtenances, of 14 *l.* 6*s.* 8*d.* to be paid at the times and in the manner therein mentioned."

Examined by Mr. Serjeant *Wilde*.

You have read what applies to Liverpool; is there a great deal of other property besides Liverpool before that habendum?—Oh, immense.

In different parts?—The parts I have read apply to Liverpool only.

You have read certain parts that apply to Liverpool?—Yes.

Do I understand you, after the grant of all the town and lordship of Liverpool, and so on, immediately follows, without the introduction of any other property, and also all stallage, and all customs, anchorage, and so on?

Mr. *Pollock*.—Within the town of Liverpool.

Sir *James Scarlett*.—That relates expressly to the town of Liverpool.

By Mr. Serjeant *Wilde*.—That is what I ask, whether, immediately after the town of Liverpool, those words follow?—No; the general words refer to all.

Sir *James Scarlett*.—Not the general words.

By Mr. Serjeant *Wilde*.—Mr. Illingworth, here are the grants of all that our town and lordship of Liverpool, and all that the boat and passage over the water of the Mersey there, and the butchers' shambles in the said town of Liverpool; what follows next?—"And also all the stallage and tolls of the markets and fairs, with the perquisites of the courts of Liverpool; and all the customs, anchorage, and keytowl of the water of Mersey aforesaid, and within the aforesaid town or lordship of Liverpool aforesaid, now or late in the tenure or occupation of Richard Molyneux, knight, or of his assigns, by the particular thereof mentioned to have been of the yearly rent or value of 14 *l.* 6*s.* 8*d.* and to be parcel of the land and possessions of the ancient Duchy of Lancaster."

What follows now; any other property, or what next?—There has been a great deal of other property before and some subsequent, and then those general words apply to all.

By the *Lord Chief Justice*.—Are there only one set of grantees?—Only one.

They are lessees of the whole?—The Crown was indebted nearly 300,000 *l.* at the time.

By Mr. Serjeant *Wilde*.—The Duchy and other property in other parts of England?—Yes.

By the *Lord Chief Justice*.—Beside Duchy property?—Yes; it is passed under the Great Seal, and the Duchy Seal also.

By Sir *James Scarlett*.—What is the rent reserved for Liverpool?—£. 14. 6*s.* 8*d.* of lawful money of England to the hands of the receiver-general of us.

Mr. *Kelly*.—You may read the habendum, Mr. Illingworth; just go on.

By a *Juror*.—What date is this?—The 4th of Charles 1st, 1628. "To hold the aforesaid town of Liverpool above in these presents granted as parcel of the aforesaid Duchy of Lancaster, or to the same Duchy mentioned, to be annexed, with all their rights, members, and appurtenances, of us, our heirs and successors, as of the manor of Enfield, in the county of Middlesex, by fealty only, in free and common socage, and not in capite nor knight service, in fee farm for ever, rendering to us, our heirs and successors, for and on account of the aforesaid town and lordship of Liverpool, in the same county, with the appurtenances, of 14 *l.* 6 *s.* 8 *d.* of lawful money of England to the aforesaid Duchy of Lancaster."

Mr. Serjeant *Wilde*.—Just let me see that last, will you? (*It was handed down to the Serjeant.*)

Examined by Mr. *Pollock*.

Now, Mr. Illingworth, have you an examined copy of an indenture of bargain and sale of the 4th of December 1635?—Yes, I have.

Where do you get that from?—From the Rolls Chapel.

Read that, if you please, No. 19?—Dated the 4th of December 1635. "This indenture, made the 4th of December in the year of our Lord 1635, the 11th year of the reign of Lord Charles, by the grace of God, and so on, between Edward Ditchfield, John Heighlord Humphrey Clarke, and Francis Mosse, of the one part, and the Right Hon. Rd. Lord Molyneux, Viscount Maryboro', Sir Thomas Walmesley of Dunkenaugh, in the county of Lancaster, knight, William Fazakaley of Kirby, in the said county of Lancaster, gentleman, and John Nutter of Pendle, in the said county of Lancaster, of the other part, witnesseth, that the aforesaid Edward Ditchfield, John Heighlord Humphrey Clarke, and Francis Mosse, by the appointment and direction of the Aldermen and Commonalty of the city of London appointed and authorised by divers acts of the

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Common Council of the Mayor, &c. of the City of London aforesaid, for and concerning of land granted by the said Lord the King, and their heirs at the nomination, and in consideration of 10 *s.* of lawful money of England to the said John Humphreys and Francis, by the aforesaid Sir Thomas Walmesley, William Fazakerly, and John Nutter, paid as in consideration of 450 *l.* of like lawful money to the use of the said mayor, commonalty and citizens; did grant, bargain, sell, and confirm, and by these presents doth grant, bargain, sell, and confirm to the aforesaid Sir Thomas Walmesly, William Fazerkerly, and John Nutter, their heirs and assigns, all that the town and lordship of Liverpool, parcel of the Duchy of Lancaster, in the county of Lancaster, with all their rights, members, and appurtenances; and all that ferry and passage over the water of Mersey there, and the butchers' shambles in the said town of Liverpool; and also the stallage and tolls of the markets and fairs, with perquisites of courts in Liverpool aforesaid; and all customs, anchorage and keytoll of the water of Mersey aforesaid, and within the aforesaid town or lordship of Liverpool aforesaid, now or late in the tenure or occupation of Sir Richard Molyneux, Knight, or his assigns, by the particular thereof mentioned, to be of the yearly rent or value of 14 *l.* 6 *s.* 8 *d.*, parcel of the ancient lands and possessions of the Duchy of Lancaster and a great number of general words, fishings, and so on, fairs, courts of pie poudre;—stallage, tolls, customs, pickage and emoluments."

By Sir *James Scarlett.*—Have you the habendum, "To hold"?—To hold the same, and all the rights, members, and appurtenances to the said Sir Thomas Walmesley, William Fazakerly and John Nutter, their heirs and assigns fee farm for ever.

Subject?—To be holden by the said Lord the King.

Mr. *Pollock.*—I must prove the next document by Mr. Forster.

Examined by Mr. Serjeant *Wilde.*

The grant you just now read of the 4th Charles the First, is the document you produce, a copy of it, or an extract?—It is an office copy.

Is it an office copy of the whole of the document?—Of the whole of the document. This is the office copy (*referring to the book.*)

This is an extract from that?—Yes.

So far as it relates to Liverpool?—Yes.

This is an office copy, is it (*referring to the book*)?—Yes; I examined it.

You have been reading the translation of certain portions of this applicable to Liverpool?—Yes.

The *Lord Chief Justice.*—I have followed as well as I could the translation, and I believe they are very accurate. That word "Keytoll."

The *Witness.*—In some of the leases it is called "Key Toll," in others "Keel Toll."

By the *Lord Chief Justice.*—It is keytoll in this?—Yes.

Mr. *Forster* again called; Examined by Mr. *Pollock.*

I am now going to call for No. 20, which Mr. Forster produces. Have you a lease for 1,000 years between Caryl Lord Viscount Molyneux and John Tatlock of the first part; the Mayor, Bailiffs, and Burgesses of Liverpool of the second part; and the Corporation of Liverpool and others of the third part?—I have.

Put it in, and hand in a copy of it.

The *Associate.*—An indenture, my Lord, tripartite, made the 27th of May, in the 24th year of the reign of our Sovereign Lord Charles the Second.

The *Lord Chief Justice.*—The original of this is in English, I suppose?

Mr. *Illingworth.*—Yes, my Lord.

The *Associate.*—"Between the Right honourable Sir Caryl Molyneux, Bart., the Right honourable of the first part; the Mayor, Bailiffs, and Burgesses of the town corporate of the borough of Liverpool, of the second part; and Lawrence Brownlow, Alderman, Thomas Andoe, Henry Corles, John Chandler, of Liverpool aforesaid, Alderman, Peter Lurting, of Liverpool aforesaid, Alderman, John Sturzaker, of Liverpool, aforesaid, Alderman, Thomas Bickersteth, Thomas Johnson, James Jerrom, of Liverpool aforesaid, Merchant, Silvester Richmond, of Liverpool aforesaid, Gentleman, Robert Secome, of Liverpool aforesaid, Gentleman, Robert Williamson, of Liverpool aforesaid, Mariner, and Edward Tarleton, of Liverpool aforesaid, Mariner, of the third part: Witnesseth, Whereas Edmund Ditchfield, John Heighlord, Humphrey Clarke, and Francis Mosse ——"

Mr. *Forster,* Examined by Mr. Serjeant *Wilde.*

Is that first recital a recital merely of the letters patent we have just read?—Yes.

The second of the bargain and sale?—Yes.

No other matter introduced in those recitals but the deeds?—Yes.

Mr. Serjeant *Wilde.*—Pass to the next recitals of the deaths.

The *Associate.*—"They the said Edward——"

Mr. Serjeant *Wilde.*—I understand there is the contract for the agreement and the lease.

The

The *Associate.*—"Were lawfully seised in their demesne as of fee, as trustees of the town and lordship of Liverpool aforesaid, which was granted to them by the name of the town and lordship of Liverpool, parcel——"

The *Lord Chief Justice.*—That is only reciting the grant; Serjeant Wilde does not want that to be read, nor the other; go on to the recital, that Walmesley, Fazakerley and John Nutter died before Nutter——

Mr. Serjeant *Wilde.*—Yes, my Lord.

The *Associate.*—"Whereas the said Sir Thomas Walmesley, William Fazakerly, and John Nutter, the said trustees of the said Richard, Lord Viscount Molyneux, are all dead, of whom the said John Nutter was the survivor, who died without issue, and Robert Nutter, brother and heir of the said John Nutter is likewise dead, having had no other issue but daughters, that is to say, Elizabeth, Eleanor, and Margaret, of whom the said Eleanor was dead, having issue one Richard Crombothe, of Clarkhill in Walley, her son and heir; and the said Margaret was also dead, having issue Henry Robinson, of Chathurn, her son and heir, El of G Lancaster, widow; the said Richard Crombothe and Henry Robinson, as coheirs of the said Robert Nutter, brother and heir of the said John Nutter, in trust , were seised after the decease of the said Sir Thomas Walmesley, William Fazakerly, and John Nutter, with their appurtenances son and heir apparent in trust for the said and his heirs, of whom the said and Thomas Bolton ; whereas divers variances, suits, controversies, and debates had of then late been between the said Caryl Lord Viscount Molyneux, with others on his behalf, and the said mayor, bailiffs, and burgesses, or others on their behalf, of the said town and borough of Liverpool, in the county of Lancaster, concerning several claims and demands by the said Caryl Lord Viscount Molyneux, or others, within, out of, or from the said town and borough of Liverpool, or near the same, which differences have been since composed in certain articles of agreement of the 20th day of March, in the 24th year of the reign of our Sovereign Lord King Charles the 2d, and made or recited to be made between Caryl Lord Viscount Molyneux and John Tatlock on the one part, and Lawrence Brownloe, Thomas Andoe, Henry Corles, John Chandler, Peter Surling, John Sturzaker, Thomas Bickersteth, Thomas Johnson, James Jerrow, Silvester Richmond, Robert Secome, Robert Williamson, and Edward Tarleton

well and truly paid the receipt, whereof the said Caryl Lord Viscount Molyneux and John Tatlock do hereby acknowledge
30 *l.* set and to farm let unto the said Lawrence Brownloe and the others; all that our town and lordship of Liverpool
parcel of the possession or of the honor of Lancaster in the said county of Lancaster, with all and singular the rights, members, and appurtenances, and from time to time held and to be held
jurisdictions, liberties, hereditaments, claims, and demands whatsoever or elsewhere, and all other things whatsoever which by virtue of the letters patent, or any grant under the same (the ferry boats and battelage and passage over the said water or river of Mersey; and all and every the burgage rents within the said town or borough of Liverpool only excepted ; to have and to hold the said town or lordship of Liverpool, otherwise called Lithepool, from the day next before the date of these presents for 1,000 years, in trust to Caryl Lord Viscount Molyneux the yearly rent of 40 *l.*

To the only use and behoof of the said mayor, bailiffs, and burgesses,

Caryl Lord Viscount Molyneux.

Sir *James Scarlett.*—That is only a covenant for further assurance that was afterwards performed; in the next you will find a certain portion of the term having lapsed, when the son of Lord Molyneux came of age, then a recovery was suffered, and a new lease granted for the remainder of the term of 972 years.

Mr. *Forster,* Examined by Mr. *Pollock.*

Hand in the confirmation lease of the year 1700?—There it is.

The *Associate.*—"This indenture, tripartite, made the 17th day of October, in the year of Our Lord 1700, and in the 12th of the reign of our Sovereign Lord William the Third, King, Defender of the Faith, between the Right Honourable Sir William Molyneux, Baronet, Lord Viscount Molyneux of Maryburgh, the Honourable Richard Molyneux, Esquire, his son and heir apparent; and John Tatlock, Gentleman, son and heir apparent of the said John Tatlock, deceased, of the first part; the said Mayor, Bailiffs, and Burgesses of the Town Corporate and Borough of Liverpool, in the said County, of the second part; and William Clayton, Jasper Mawditt, and Thomas Johnson, Esquires, James Benn, Thomas Sweeting, and William Preeson, Alderman, and Thomas Tyner, Richard Houghton, Richard Norris, Levinus Hughson, John Cleevland, and Thomas Bicksteth, Merchants, all of Liverpool aforesaid, of the third part: Witnesseth, That the said William Viscount Molyneux and Richard Molyneux, for and in consideration of the rent hereinafter reserved, and of the sum of 53 *l.* paid to them, they the said William Viscount Molyneux,

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Richard Molyneux, and John Tatlock, did demise, grant, lease, set, and to farm let, and by these presents do demise, lease, set, and to farm let, unto William Clayton, Jasper Mawditt, Thomas Johnson, James Benn, Thomas Sweeting, William Preeson, Thomas Tyrer, Richard Houghton, Richard Norris, Levinus Hughson, John Cleevland, and Thomas Bicksteth, their executors, administrators, and assigns, all that and those the Town and Lordship of Liverpool, otherwise called Lithepool,

or unto the said Town or Borough of Liverpool, or the liberty thereof, or any of them, can or may claim bearing date the 14th day of December, 11th year of Charles the First, and made between Humphrey Clark, citizen of London, of the one part; and of the other part; or by virtue of those letters patent or other conveyances, or by any other ways or means whatsoever, the passage over the said water or river of the Mersey, and all and every burgage rents within the said Town and Borough of Liverpool out of, except ; To have and to hold the said Town and Lordship of Liverpool, and all and singular other the premises, with the appurtenances, unto the said William Clayton, Jasper Mawditt, Thomas Johnson, James Benn, Thomas Sweeting, William Preeson, Thomas Tyrer, Richard Houghton, Richard Norris, Levinus Hughson, John Cleevland, and Thomas Bicksteth, their executors, administrators, and assigns, from the day of the date hereof, for the term of 972 years then next ensuing, fully to be complete and ended, yielding and paying unto the said his heirs and assigns, as trustee for the said William Viscount Molyneux, declared to be in trust for the only use and behoof of the said Mayor, Bailiffs or Burgesses of the said Town and Borough of Liverpool and their successors, for and during all the said term without the let, suit, trouble, interruption, ejection, or disturbance of the said or any of them."

Sir *James Scarlett.*—A chirograph of fine, which was executed by the father to the son, in order to cut off any possibility of a future claim. None can be set up; I do not think we need trouble my Lord with it.

Mr. *Forster*, Examined by Mr. *Pollock.*

Do you produce a lease and release between Mary Johnson and Susannah Johnson, and other persons, of the date of the 3d and 4th of February 1777?—I do.

Is that a copy you handed in?—This is a conveyance from the Earl of Sefton to the Corporation, of the reversion.

The *Associate.*—"Between Mary Johnson, of Prescott, in the said county, spinster, and Susanna Johnson, of the same place, spinster, two of the three sisters and coheirs of Bellingham Johnson, late of Prescott aforesaid, esquire, deceased, and sisters and coheirs of Amelia Johnson, late of Prescot, aforesaid, spinster, deceased, the other sister and coheir of the said Bellingham Johnson, who was the son and heir-at-law of Elizabeth, late the wife of the Reverend William Johnson, then of Prescott, aforesaid, clerk, formerly called Elizabeth Tatlock, spinster, which Elizabeth Johnson was one of the daughters and heirs of Richard Tatlock, late of Prescott, aforesaid, gentleman, deceased, a sister and heir-at-law of Ellen Tatlock, spinster, deceased, the only daughter and coheir of the said Richard Tatlock, which Richard was the eldest son and heir-at-law of the said John Tatlock, deceased, late of in the county of Lancaster, of the first part; the Right Honourable Sir Charles William Molyneux, baronet, Lord Viscount Molyneux of Maryborough, Earl of Sefton, of the second part; and the Mayor, Bailiffs, and Burgesses of Liverpool, aforesaid, of the third part. Whereas in and by"——

Sir *James Scarlett.*—There was an Act that passed, to vest in trustees the ancient fee farm-rents, for the purpose of making sale; your Lordships will find a recital that the trustees had conveyed the fee farm for a consideration of 251 *l.*; therefore that is recited as part.

The *Associate.*—"Whereas in and by virtue of certain Letters Patent bearing date the 9th day of September, in the fourth year of the reign of His late Majesty, 6 *s.* 8 *d.*, parcel of the land of the ancient possessions of the said Duchy,

except all advowsons rectories, ecclesiastical benefices to them, or any of them, belonging. To hold unto and to the use their heirs and assigns, in fee farm to be held in fee as of common socage, paying yearly to the King, his heirs and successors, 14 *l.* 6 *s.* 8 *d.* and made between the said Henry D concerning the purchase of an advowson and sale of the manor made by Act of Common Council at the said as well in consideration of 10 *s.* and Francis Mosse in hand paid . To the use of the mayor and commonalty of the said city in as ample a manner as the said King Charles the First by the above-recited letters granted to the said and Francis Mosse, except as in the said

said letters patent before excepted, to hold unto and to the use of the said Sir Thomas Walmesley, William Fazakerley, their heirs and assigns, in fee farm to be held of the King, his heirs and successors; and of the said in fee and common socage, paying every year to him and them the said annual rent of 14 *l.* 6 *s.* 8 *d.*, by the said letters patent reserved. And whereas by indenture of lease and release duly executed, bearing date the 14th and 15th days of September, in the 12th year of the reign of his late Majesty King Charles the Second one of the daughters and coheirs

Henry Robinson in pursuance . And whereas by an indenture duly executed, bearing date the 7th day of March 1670, and in the 22d year of the reign of his late Majesty King Charles the Second, and made between Francis Lord Hawley, Sir Charles Harberd, Sir William Howard, Sir John Talbot, Sir Robert Stewart, and William Harberd, Esquire, trustees for the sale of fee-farm rents, and other rents of the Crown, of the one part——"

Mr. *Forster*, Examined by Sir *James Scarlett.*

Are the different recitals of title all stated in this printed form?—I believe so, correctly.

Sir *James Scarlett.*—They are here abridged; it is found to be a recital that the trustees, in consideration of 251 *l.* 17 *s.*, have alienated the fee-farm rent. It then recites the bargain and sale enrolled in Chancery; it then recites that that sum of money belonged to Lord Molyneux, and then it recites the agreement for the lease and the leases in the year 1672 and 1700, and then it recites Mary Johnson and Susan Johnson were coheirs-at-law of John Tatlock, who was the grantor, and was seised in fee.

Then after that recital, recites an agreement between the Earl of Sefton and the mayor and bailiffs of the town of Liverpool, whereby the said Charles William Earl of Sefton, in consideration of 2,250 *l.*, did covenant to grant, sell, release, and convey to them the whole of the reversion expectant on the lease of 1,000 years and the 30 *l.* a year, and also the whole of the fee-farm rent and what remained in him which he had excepted out of the former lease of the ferry-boats, battleloge, and passage over the said water or river of Mersey that is granted to the use of the mayor, bailiffs, and burgesses, and their successors for ever.

Mr. *Forster.*—I believe that to be a faithful abstract of the deed.

Sir *James Scarlett.*—Mary Johnson and Susan, at the request of the Earl of Sefton, granted, remised, and released all that and those the town and lordship of Liverpool, and all the flesh shambles within the said town of Liverpool, and all the stallage and toll of the several markets and fairs there from time to time held and to be held, and all and every the perquisites and profits of the several courts there from time to time held and to be held, and all the customs, anchorages, and key tolls in the former words.

Mr. *Forster.*—At page 131 the words——

Mr. Serjeant *Wilde.*—Read the granting part.

The *Associate.*—"Hath granted, bargained, granted, demised, and released, and the said Mary Johnson and Susan Johnson did grant, remise, and release unto the said mayor, bailiffs, and burgesses for the consideration aforesaid, he, the said Charles William Earl of Sefton, hath granted, bargained, sold, aliened, remised, released, ratified, and confirmed, and by these presents doth for himself and his heirs truly, freely, and absolutely intended to be conveyed now being, by virtue of one indenture of bargain and sale to them thereof made by the said Mary Johnson and Susanna Johnson, and Charles William Earl of Sefton, in consideration of 5 *s.* (paid to them bearing date the day next before , and to their successors and assigns for ever, all that and those the town and lordship of Liverpool late parcel of the possession of the Duchy of Lancaster or of the Honor of Lancaster, in the said county of Lancaster, with all and singular the rights, royalties, members, and appurtenances thereto belonging, and all the flesh shambles within the said town of Liverpool, and all the stallage and toll of the several markets and fairs there from time to time held and to be held, and all and every the perquisites and profits of the several courts there from time to time held and to be held, and all the customs, anchorages, and key tolls of, in, or upon the river or water of Mersey and within the said town or lordship of Liverpool, and also all and singular the commons, wastes, and waste grounds, boundaries and territories thereof, and also all and singular jurisdictions, liberties, claims, and demands whatsoever of Mary Johnson and Susanna Johnson whatsoever in and by the said indenture of lease of the 27th day of May, in the 24th year of the reign of King Charles the Second, and in and by the said lease and confirmation of the 17th of October 1800, or either of them; and also all the said yearly rent of 30 *l.* due and payable, in trust for the said Charles William Earl of Sefton, and his heirs, during the residue of the said term thereby granted.

Sir *James Scarlett.*—Then there is a further conveyance.

The *Associate.*—"And this indenture further witnesseth that the said Charles William, Earl of Sefton, for the considerations aforesaid, hath granted, bargained, sold, aliened, remised, released, ratified and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, ratify, and confirm to the said mayor, bailiffs, and burgesses (in their actual possession now being) of the hereditaments hereby granted to be now being for all that and those the said ferry boats."

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Sir *James Scarlett.*—These were matters excepted out of the original lease.

The *Associate.*—"All that and those the said ferry boats, battlelage, and passage over the said river, or water, of Mersey; and all and every the rents and payments therefore due and accustomed and paid to the said Charles William Earl of Sefton, amounting therein the whole to the yearly sum of 20 *l.*, or thereabouts; and also all and every the burgage rents within the said town and borough of Liverpool then due and payable to the said Charles William Earl of Sefton, and which have been anciently and immemorially paid to and received by his ancestors, amounting then in the whole to the yearly sum of 12 *l.* 7 *s.*, or thereabouts; and all and singular farms," &c.

Sir *James Scarlett.*—Then come the general words; that is enough.

By this last document, my Lord, I bring down the title of the corporation; and I now proceed to show what has been held and enjoyed as part of this property.

Mr. *Illingworth* recalled; Examined by Sir *James Scarlett.*

We are going to 24. Do you find any document from the book of leases and patents of the Duchy of Lancaster of the 20th year of King Henry the Eighth?—I believe the original lease is here.

Mr. *Charles Oakhill* sworn; Examined by Sir *James Scarlett.*

Do you produce that from my Lord Sefton's muniment room?—Yes. (*Handing in a lease.*)

Are there several others in succession?—Yes.

Sir *James Scarlett.*—You may as well put them all in at once.—(*The leases were handed in.*)

Cross-examined by Mr. Serjeant *Wilde.*

Where did you get that document from?—From the Earl of Sefton's muniment room.

Where was that?—At Croxteth Hall.

Are you in any way connected with my Lord Sefton?—No; not in any way.

When did you get them?—I cannot speak to that exactly; about two years ago.

Had you ever been there before?—I was there before to search for these, but I never was at Croxteth Hall before the time I went for these.

Who pointed them out to you; are you in the profession?—No.

Who pointed out these documents to you?—Nobody pointed them out. I knew Lord Sefton had held the lease of the town, and I went to see if that document could be found at Lord Sefton's.

You did not go there without his being there?—With his permission.

Was he with you?—He came into the room while I was there.

Had you made any appplication to his solicitor, or to Lord Sefton?—Yes.

Who showed you into the room?—Mr. Eaton Hall, with Lord Sefton's permission.

Who is he?—He is the steward of Lord Sefton.

By Sir *James Scarlett.*—You went on the application of the corporation?—Yes, the application was made by the late Mr. Statham, and on that application I went.

Sir *James Scarlett.*—Lay them on the table, and we will take them as we want them.

By Mr. Serjeant *Wilde.*—Did you find any other deeds relating to the town of Liverpool in that muniment room, and did you bring all you found relating to the town of Liverpool?—I did not bring all I found; there are a vast quantity of deeds belonging to the single purchase of houses; those I did not bring.

There were a considerable quantity of deeds relating to Liverpool?—Yes.

You selected these, and brought them?—Yes.

By Sir *James Scarlett.*—Do you mean the deeds of single houses?—Small deeds of one kind or the other.

By a Juror.—Did you bring all the deeds that relate to the transaction between my Lord Sefton and the corporation of Liverpool?—Yes, the previous deeds.

By Sir *Thomas Wilde.*—Has Lord Sefton himself had any transactions with the corporation of Liverpool relating to this matter?—None at all.

Now did you find any other leases or documents relating to the town of Liverpool, or the tolls payable there and collected there?—I believe all those are here.

I ask you whether you brought all that you saw relating to the town of Liverpool or the port, or the collection of the tolls or dues?—Yes, I believe they are all here.

So far as you know, you believe those are all you saw?—Yes, here are more of them here.

Sir *James Scarlett.*—He may have any he likes.

Mr. *Illingworth's* Examination, continued by Sir *James Scarlett.*

Will you read that lease?—[*Reading.*] "This indenture, made between his Excellency Prince the Lord Henry, of the one part, and Alice Gruff, widow, and Henry Ackers of the other part, witnesseth, that his said Lord the King, by the advice and assent of the council of his Duchy of Lancaster, granted, demised, and to farm let to the aforesaid Alice and Henry the farm of the town of Liverpool, with the appurtenances in the county, in the county of Lancaster, also the farm of one boat and the passage over the water of Mersey, also the farm of the butchers' shambles there, and the farm of the stallage and tolls of the market and fair, with the perquisites of the court there, and also the farm of the customs and anchorage

anchorage or key toll of the water of Mersey, and the farm of one windmill, called Acresmyll, and another called Wavertremyll, in the lordship of West Derby, parcel of the Duchy of Lancaster, in the county of Lancaster, to have and to hold the town of Liverpool, with other appurtenances, to Alice and Henry and their assigns, from the Feast of St. Michael the Archangel next after the date of these presents to the end of the term of twenty years then next, &c., yielding therefore to the aforesaid Lord the King and his heirs as followeth: for the farm of the town and lordship aforesaid, together with the boat aforesaid, with the passage over the water of Mersey, with the butchers' shambles, and for the farm of the tollage and tolls of markets and fairs, with the perquisites of the Court; also for the farm of the customs and anchorage or key toll of the water of Mersey, within the lordship of Lytherpole aforesaid, 14 *l.* of ancient farm, and 60 *s.* and 8 *d.* beyond of increase by the year, and for the farm of the mill called Acresmyll, 20 *s.*, and for the farm of the mill called Wavertremyll aforesaid, 20 *s.*, as it is answered to the said Lord the King, at the Feast of Easter and St. Michael the Archangel, in equal portions."

The next you find there is the 21st of Henry the Eighth?—That is from the Duchy of Lancaster, made the 15th of March, the 21st year of King Henry the Eighth, "between Henry Ackers, of Derby, in the county of Lancaster, gentleman"——

That is from the lessee of the first lease?—Yes: "of the one part, by indenture of lease of this date the said Henry Ackers demised, taken, and to farm letten unto Thomas Hal

John Walker, Thomas Walker, John Ireland, William Walker, Roger Fazakerley, William Secome, Richard Barker, and Nicholas Thomasson, and the burgesses and commonalty of Liverpool, all the customs, tolls, flesh shambles, and ferryboat of Liverpool, with all sails, cables, and other necessaries and advantages, to the said customs, tolls, flesh shambles, and ferryboat belonging to and beforetimes accustomed and used, to have, hold, and receive all and every the aforesaid customs, tolls, flesh shambles, and ferryboat, with all the profits and advantage of them, unto the said Thomas John, Thomas Walker, John Ireland, William Rogers, William Secombe, Richard and Nicholas Thomason, and burgesses and commonalty, to the profit, use, and advantage of the burgesses and commonalty of the town of Liverpool beforesaid, from the Feast of St. Michael the Archangel next to come after the date thereof, until the end of the term of six years then next and immediately ensuing, paying therefore every year unto the said Henry, his assigns or lawful attorney, 10 *l.* sterling at the Feasts of Paschee and St. Michael the Archangel, by even portions."

Do you find one of the 28th Henry the Eighth, No. 26?—No. 26.

I believe you found that in the duchy?—It is from the duchy.

This is not among my Lord Sefton's muniments?—No; it is in the book of the leases and patents. "The town of Liverpool.—The King, &c., hath to farm let to Thomas Holcrofte, Esq., the town and lordship of Liverpool, in the county of Lancaster; also one boat, and the passage over the water of Mersey, and the butchers' shambles there; and also the stallage and tolls of the markets and fairs, with perquisites of courts in Liverpool aforesaid; and also the customs and anchorage, or keiltoll of the Mersey, within the lordship of Liverpool aforesaid; and one windmill called Acresmyll, another windmill called Wavertreemill, within the lordship of West Derby, parcel of the Duchy of Lancaster, in the county of Lancaster: To have and to hold the town and lordship aforesaid and other premises, with the appurtenances, to the before-named Thomas, and his assigns, from the Feast of St. Michael the Archangel last past before the date of these presents, under the end of the term of 21 years thence;" rendering yearly for the as much it is ascertained to the Lord the King, in equal proportions.

Now, the next is dated the 31st Henry the Eighth, that is among Lord Sefton's; amongst those Mr. Okehill produced; this recites the lease granted, Holcroft to Molyneux, and Molyneux grants the lease again to the corporation:—"This Indenture, made the third day of December, the 31st year of the reign of our Sovereign Lord King Henry the Eighth, between Sir William Molyneux, of Sefton, in the county of Lancaster, Knight, upon the one party, and Christopher Hoghe, mayor of Litherpool, Thomas Walker, William Walker, Roger Walker, John Hope, Thomas Fayrclough, Raulf Bailey, Richard Rainford, Alexander Garnet, Rauf Segarton, and Roger Barker of the said town of Litherpole, within the said county, upon the other part: That whereas the King, our Sovereign Lord, by his Indenture, under the seal of his Duchy of Lancaster, bearing date at Lancaster the 28th day of February, in the 28th year of his reign, by the advice and assent of his counsel of his Duchy of Lancaster, hath granted, betaken, and to farm let to Thomas Squire the town and lordship of Litherpole, with the appurtenances, &c. (as in the lease to the said Thomas Holcroft), and also whereas the said Thomas Holcrofte, by indenture, dated the 27th day of August, in the 29th year of our said Sovereign Lord his reign, made between Sir William Molyneux, of Sefton, in the county of Lancaster, knight, upon the one party, and the said Thomas Holcrofte, esquire, upon the other party; hath given, granted, and demised to the said Sir William Molyneux the said town and lordship of Litherpole, with the appurtenances, and all other the premises before granted, betaken, and to farm let to the said Sir Thomas Holcroft; to have and to hold the said town and lordship of Litherpole, and all other the premises to the said Sir William Molyneux, his executors and assigns, from the said Feast of St. Michael the Archangel, in the 28th year of the reign of our Sovereign Lord the King, unto the end and time of 20 years then next and immediately following, fully to be complete and ended, if the said Thomas Holcroft so long do live. Now the said Sir William by this present indenture, for certain considerations him moving, hath granted, betaken, and to farm let to the said Christopher Hoghe, Mayor of Lytherpole, Thomas Walker, and others before named of the town of Lytherpole, the moiety or half of the

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town and lordship of Litherpole, with the appurtenances, in the said county of Lancaster; and also the said Sir William hath granted, betaken, to farm let to the said mayor, and the said before named, the moiety or half of the yearly profits coming and growing of one boote and passage over the water of Mercy, and of the fleshannels there; and also the moiety and half of the yearly profits of the stallage and toll of the market and fairs, with the perquisites of the court in Litherpole aforesaid; and also the moiety or half of the yearly profits of the custom and anchorage or key tolle of the water of Mercy within the lordship before said, to have and to hold the moiety or half of the yearly profits of the said town and lordship aforesaid, and the moiety or half of the yearly profits of all and every other the premises, with the appurtenances, to the said mayor and other before named of the said town of Litherpole, from the Feast of St. Michael the Archangel next to come after the date of the present indenture, unto the end and term of 15 years then next following, and fully to be complete and ended, if the said Thomas Holcrofte so long do live, yielding and paying therefore yearly to the said Sir William Molyneux, his executors and assigns, at the Feast of the Annunciation of our Lady, 3*l.* 6*s.* 8*d.*, and at the Feast of Pentecost, 16*s.* 8*d.*, and at the Feast of St. Michael the Archangel, 3*l.* 6*s.* 8*d.* of lawful money of England, and also the said mayor and the said before-named of the town of Litherpole shall yearly, during the said term, discharge and save harmless," and so on.

Sir *James Scarlett.*—That is a grant of a moiety of these things.

Mr. Serjeant *Wilde.*—A moiety of the tolls.

Sir *James Scarlett.*—A moiety of all. The next is from the book of leases in the Duchy of Lancaster, and patents, 28.

Examined by Mr. Serjeant *Wilde.*

From what are you reading that? how is it; from the enrolment of the Duchy of Lancaster, or what?—The last I read?

Not the last?—The last is from Lord Sefton's.

The one you are about to read, where did you get that from?—That is from the book of leases and patents in the Duchy of Lancaster.

What do you mean by the book of leases?—The enrolment of leases and patents.

Do you mean it is a copy of the enrolment of leases?—Yes, there is a book there in which they enrolled the duchy leases.

And this is a copy from that enrolment?—Yes. "The town and lordship of Litherpole, the King hath let to farm to Mr. William Molyneux, knight, and Richard Molyneux, son of ——"

What is the date of that?—24th of November, in the 37th year of Henry the Eighth. "Witnesseth, That whereas the aforesaid Lord the King, by a certain other indenture sealed with the seal of his said Duchy of Lancaster, bearing date at London the 20th day of February, in the 28th year of his reign, did by the advice and assent of his counsel of his Duchy of Lancaster aforesaid, grant, demise, and to farm let to one Thomas Holcrofte, knight, by the name of Thomas Holcrofte, esquire, the town and lordship of Litherpole with the appurtenances, in the county of Lancaster, and also one ferry-boat, and the passage over the water of Mercey, and the butchers' shambles there, and also the stallage and tolls of the market and fairs, with the perquisites of the court in Litherpole aforesaid, and also of the customs and anchorage or keiltoll of the water of Mercy within the lordship of West Derby, parcel of the duchy aforesaid, in the county of Lancaster aforesaid: To have and to hold the town and lordship aforesaid and other the premises with the appurtenances to the aforesaid Thomas Holcrofte and his assigns, from the Feast of St. Michael then last past before the date of the same indenture unto the end of the term of 21 years then next, &c., rendering therefore, &c., for the farm of the town and lordship aforesaid, also for the aforesaid ferry-boat with the passage over the water of Mercy, with the butchers' shambles, and also for the farm of the stallage and tolls of the market and fairs, with the perquisites of the courts of Lytherpole aforesaid, and also for the farm of the customs and anchorage or keiltoll of the water of Mercy within the lordship of Litherpole aforesaid, 14*l.* of ancient farm, and 6*s.* 8*d.* beyond for the last ancient increase by the year, and for the farm of the mill called Acre's Mill aforesaid, 20*s.*, and for the farm of the mill called Wavertre Mill aforesaid, 20*s.* sterling."

You have customs or anchorage, *or* keiltoll; in the translation it is *and* keiltoll.

Mr. Serjeant *Wilde.*—It is not "sive."

Lord Chief Justice.—No; "et."

Mr. Serjeant *Wilde.*—Has your Lordship the original, or a copy?—

Lord Chief Justice.—A copy.

Mr. Serjeant *Wilde.*—What is the word before keil-toll, is it not "sive?"—

Lord Chief Justice.—There it is "et;" have you the original from which this is a copy?—No; I could not bring the original.

By Mr. *Kelly.*—Did you make the copy?—I examined the copy.

Did you examine the copy now produced with the original?—Yes; and the officer read it to me.

Can you take on yourself to say with any certainty, whether it was "et," or "sive?"—I will not; I took it as it was read to me; it is the duty of the officer to read it correctly.

Look to the recital, and see how it is there.

Lord Chief Justice.—"And also the custom and anchorage, *or* keiltoll;" it is in the first place.

Mr.

Mr. Serjeant *Wilde*.—We know it is "sive" in the original, and not "et."

Lord Chief Justice.—You are right; "anchorage, sive keiltolls."

The *Witness*.—It is "or keiltoll; I translated it "or."

Mr. *Cresswell*.—It is *or* in the copies which we have.

Witness.—"£. 14 of ancient farm, and 6 *s*. 8 *d*. beyond for the last ancient increase by the year, and for the farm of the mill called Acres Mill aforesaid 20 *s*.; and for the farm of the mill aforesaid 20 *s*. sterling, in manner as it was answered to the said Lord the King at the Feast of Easter and St. Michael the Archangel by equal portions; and that the same Thomas, and his assigns, should repair, sustain, and maintain all and every the premises at their proper costs and charges, in all reparations which to the aforesaid Lord the King and his heirs in the same should belong during the same term, and all the same at the end of the aforesaid term well and sufficiently repaired and sustained in all things should leave; with a certain clause in the aforesaid indenture above specified, that if it should happen that the aforesaid rent in the aforesaid indenture should be in arrear and unpaid in part or in the whole for 40 days next after any term of payment in which it ought to be paid, that then it should be lawful for the aforesaid Lord the King and his heirs into the aforesaid farm to re-enter, and into his hands to retake, and to possess the same as in his former estate, the aforesaid lease in anything notwithstanding, and with the two usual provisoes in the aforesaid indenture specified, as in the same indenture is more fully contained; and now the aforesaid Thomas is desirous to deliver up the aforesaid indenture to him made of the premises aforesaid to be cancelled, and the same indenture before the Chancellor and council of the aforesaid Duchy, in the chamber of the Duchy at Westminster, he hath surrendered up to be cancelled, and it is there cancelled, to the intent that the aforesaid Lord the King might graciously condescend to grant the aforesaid town and lordship of Litherpoole, with the appurtenances, in the county of Lancaster aforesaid, and all and every other the premises before-mentioned in the aforesaid indenture, for a term of years to the aforesaid William Molyneux, son of the said William, by another indenture, under the seal of his aforeaid duchy; whereupon the same Lord the King, with the advice and consent of his counsel of his Duchy of Lancaster aforesaid, hath granted, demised, and to farm let to the aforesaid William Molyneux and Richard Molyneux the aforesaid town and lordship of Litherpoole, with the appurtenances, in the county of Lancaster aforesaid, and also one ferry-boat, and the passage over the water of Mercy, and the butchers' shambles there, and also the stallage and tolls of the market and fairs, with the perquisites of the courts of Liverpool aforesaid, and also the customs and anchorage or keiltoll."

Mr. Serjeant *Wilde*.—More of that need not be read; it is a lease of the same thing for a further term; they are not very nice on the subject. I observe, my Lord, the former lease would not expire until 1558; the term is outstanding under the lease granted by this new lease with a surrender, and it is in 1556.

By Mr. *Starkie*.—Have you the lease of the 38th Henry Eighth, from Sir William Molyneux to Edmund Gee, No. 29?—Yes. "This indenture of lease made the 14th July, in the reign of Henry the Eighth, by the Grace of God, King of England and Ireland, Defender of the Faith," and so on, "the 38th, between Sir William Molyneux Sefton——"

Mr. Serjeant *Wilde*.—What are you reading now?

Mr. *Starkie*.—A lease of a moiety from Sir William Molyneux to a person of the name of Gee.

Witness.—"Between Sir William Molyneux, of Sefton, in the county of Lancashire, knight, and Richard Molyneux, Esq., and son and heir apparent of the said Sir William, on the one part, and Edmund Gee, of Chester, in the county of Chester, on the other part: Witnesseth, That the said Sir William and Richard, for the sum of 4 *l*. paid to him the said Sir William by the said Edmund the day of the making hereof, hath granted, demised, and to farm letten, and by these presents granteth, demiseth, and to farm letteth unto the said Edmund Gee, the moiety or half of the town and lordship of Liverpool, with the appurtenances; and also the moiety or half of the yearly profits of all and every the profits of the flesh shambles, tollage, and toll of the market of Liverpool aforesaid; and also the moiety or half of the yearly profits of the custom and ancorage of keiltoll: "to have and to hold——

By Mr. *Kelly*.—Just read that again, repeat those three words again, "customs and anchorage," and what?

"And also the moiety or half of the yearly profits of the custom and anchorage of keyltoll," I believe it is in the original.

Lord Chief Justice.—I think it is so here, under my eye; it is "of," certainly.

Witness.—It is "of," certainly. "To have and to hold the moiety or half of the yearly profits of the said town and lordship, and the moiety or half of the yearly profits of all and every other the premises, with their appurtenances, to the said Edmund Gee and his assigns, from the Feast and day of the Assumption of our Blessed Lady the Virgin next to come after the date thereof, unto the end and term of eight years then next following, fully to be complete, finished, and ended, in as simple manner and form as the said Sir William hath the premises of the grant and demise of our said Sovereign Lord the King, the said Edmund and his assigns paying therefore yearly to the said William, his executors or assigns, 8 *l*. sterling; that is to say, at the Feast of St. Michael the Archangel next to come after the date hereof, 6 *s*. 8 *d*., and at the Feast of the Annunciation of our Blessed Lady the Virgin, 6 *s*. 8 *d*., and at the Feast of Pentecost the next following, 6 *s*. 8 *d*., and so further yearly at every of the said feasts during the said eight years."

[*The jury retired.*]

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By Mr. *Starkie.*—Mr. Illingworth, now the next you have in that book, Philip and Mary to Richard Molyneux and William Molyneux, No. 30?—Yes; from the Duchy Court. "The lordship of Liverpool, the ferry-boat and passage over the water, and the butchers' shambles, toll perquisites of court anchorage, and two mills:" Witnesseth, that whereas the most dear Lord Henry, late King of England, the Eighth, of most renowned memory, deceased, the father of the said Lady the now Queen, by a certain other Indenture, sealed with the seal of the Duchy of Lancaster, bearing date at London, the 24th day of November, in the 37th year of his reign, did grant, demise, and to farm let to one William Molyneux, knight, now deceased, and the before-named Richard Molyneux, then by the name of Richard Molyneux, Esquire, the town and lordship of Litherpoole, with the appurtenances, in the county of Lancaster, and also one ferry-boat and the passage over the water of Mersy, and the butchers' shambles there; and also the stallage and tolls of the market and fairs, with the perquisites of the courts in Litherpoole, aforesaid; and also the customs and anchorage or keiltolle of the water of Mercy, within the lordship of Litherpoole, aforesaid; and one windmill, called Acresmill, and another mill called Wavertremille, within the lordship of Westderbye, parcel of the duchy aforesaid, in the county of Lancaster aforesaid, to have and to hold the town and lordship aforesaid, and other the premises with the appurtenances to the aforesaid William Molyneux, knight, and Richard Molyneux, and their assigns, from the Feast of St. Michael the Archangel then last past before the date of the Indentures aforesaid, unto the end of the term of 21 years then next ensuing, and fully to be completed, rendering therefore thencefoith yearly to the aforesaid late Lord the King, his heirs and successors, that is to say, for the aforesaid farm of the town and lordship aforesaid, and also for the aforesaid ferry-boat with the passage over the water of Mercy, with the butchers' shambles, and for the aforesaid farm of the stallage and tolls of the market and fairs, with the perquisites of the courts of Litherpoole aforesaid, and also for the aforesaid farm of the customs and anchorage or keiltoll of the water of Mercy, within the lordship of Liverpool aforesaid, 14 *l.* for the ancient farm, and 6 *s.* 8 *d.* beyond for the last ancient increase by the year, and for the aforesaid farm of the mill, called Acresmill, aforesaid, 20 *s.*, and for the aforesaid farm of the aforesaid mill, called Wavertremill, 20 *s.* of lawful money of England, as it was answered to the said late Lord the King, at the Feasts of Easter and St. Michael the Archangel, by equal portions, and further to do in manner as in the same Indenture is more fully contained, by virtue whereof the aforesaid William Molyneux, knight, and Richard Molyneux entered into the aforesaid town and lordship of Liverpool aforesaid, and into all and singular other the premises abovesaid, with their appurtenances, and were thereof possessed, and being so thereof possessed, the aforesaid William Molyneux, knight, died, and the before-named Richard Molyneux survived him, and kept himself in possession by right of accruer, and the aforesaid Richard is now sole possessed of all and singular the premises above specified, and the aforesaid Richard being so thereof above possessed, is now desirous to deliver up the aforesaid Indenture so to him and the before-named William Molyneux, knight, made of the premises aforesaid into the hands of the said now Lord the King and the Lady the Queen, to be cancelled, and the same Indenture before the Chancellor and Council of the Duchy of Lancaster aforesaid, in the chamber of the same duchy at Westminster, he hath surrendered up to be cancelled, and it is there now cancelled; to the intent that the aforesaid Lord the King and Lady the Queen may graciously condescend to grant the aforesaid town and lordship of Liverpool, with the appurtenances, in the county aforesaid, and all and singular other the premises in the aforesaid Indenture above specified, for a term of years, to the above-named Richard Molyneux and William Molyneux, his son, by another Indenture, under the seal of his Duchy of Lancaster aforesaid, whereupon the same Lord the King and Lady the Queen, by the advice and consent of their Council of their Duchy of Lancaster, aforesaid, have granted, demised, and to farm let to the above-named Richard Molyneux and William Molyneux, son of the aforesaid Richard, the aforesaid town and lordship of Liverpool, with the appurtenances, in the county aforesaid, and also the aforesaid ferry-boat and passage over the water of Mercy, and the aforesaid butchers' shambles in the said town of Liverpool."

Lord Chief Justice.—You need not go on, I suppose?

Mr. Serjeant *Wilde.*—What is the length of the term?—*Witness.* Until the end and term of 41 years.

What is the rent?—*Witness.* "For the aforesaid farm, of the town and lordship aforesaid, and also for the aforesaid ferry-boat, with the passages over the water of Mercy, with the butchers' shambles; and for the aforesaid farm, of the stallage and tolls of the market and fairs, with the perquisites of the courts of Litherpole aforesaid; and also for the aforesaid farm of the customs and anchorage, or keiltoll of the water of Mercy, within the lordship of Litherpole aforesaid, 14 *l.* for the ancient farm."

By Mr. *Kelly.*—What is the date of this last grant?—The 1st & 2d Philip and Mary.

By Mr. *Starkie.*—Have you a lease from Sir Richard Molyneux and William Molyneux, his son, to the mayor and burgesses of Liverpool, 4th & 5th Philip and Mary?—Yes.

By the *Lord Chief Justice.*—Where does that come from?—From my Lord Sefton's.

Mr. *Foster.*—That comes from my Lord Sefton's muniments.

Witness.—"This Indenture, made the 7th day of October."

By Mr. Serjeant *Wilde.*—An underlease, or a counterpart?—It is an original lease, I believe.

Lord Chief Justice.—An original lease, with a very handsome and perfect seal.

Mr. Serjeant *Wilde.*—I presume it is a counterpart, with the corporate seal?

Witness.—"This Indenture, made the 4th & 5th Philip and Mary, between Sir Richard Molyneux,

Molyneux, knight, and William Molyneux, son and heir of the said Sir Richard, of the one part, and John Moor, mayor of the town of Litherpole, in the said county of Lancaster, and the burgesses of the same town, of the other part: Witnesseth, that the said Sir Richard and William Molyneux, son of the said Sir Richard, as well at the special instance, motion, and request of the Right Honourable Henry Lord Strange and John Canyll Squier, attorney of the King's and Queen's most Honourable Court of the said Duchy of Lancaster, as also for divers other good considerations and causes them, the said Sir Richard and William Molyneux, his son, moving, hath demised, set, and to farm let, and by these presents do demise, set, and to farm let to the said mayor and burgesses of the said town and borough of Liverpool, the farm of the said town and borough, with all and singular the uses, profits, and commodities arising, coming and growing within the said town or borough, which they the said Sir Richard and William, or any of them, have or ought to have, by reason of a lease and demise thereof unto them made under the seal of the Duchy of Lancaster, excepted and always foreprised and reserved all the mills standing and being in the said town or borough, or the liberties of the same; to have, hold, occupy, use, and enjoy the said farm, and all other the premises, except before excepted, to the said mayor and burgesses, and their assigns, from the day of the date of these presents unto the end and term and during all the term of one year, fully to be complete and ended, and from thenceforth from year to year, at the will and pleasure of both the said parties, yielding and paying therefore yearly to the said Sir Richard and William, their executors and assigns, the sum of 14*l.* 16*s.* 8*d.* of usual money of England, at the Feasts of the Annunciation of our blessed Lady the Virgin and St. Michael the Archangel, by even portions."

Have you a lease of the 28th Elizabeth to Sir Richard Molyneux, No. 32?—Yes, there is a lease and counterpart: "This Indenture made between the most Excellent Princess the Lady Elizabeth, by the grace of God, of England, France, and Ireland, Queen, Defender of the Faith, &c., of the one part, and Richard Molyneux, knight, Serjeant of the said Lady the Queen, and son of William Molyneux, esquire, now deceased, of the other part: Witnesseth, that whereas the Lord Philip and the Lady Mary, late Queen and King of England, by their Indenture, sealed with the seal of their Duchy of Lancaster, bearing date the 21st day of March, in the 1st and 2d years of their reigns, did grant, demise, and to farm let to one Richard Molyneux, knight, now deceased, and William Molyneux, then son of the aforesaid Richard, esquire, the town and township of Litherpole, with the appurtenances, in the county of Lancaster, and also the ferry-boat and passage over the water of Mercy, and the butchers' shambles in the said town of Litherpole, and also the stallage and tolls of the markets and fairs, with the perquisites of the court in Litherpole aforesaid, and also the customs and anchorage and keiltoll."

Lord Chief Justice.—The keiltolls, it is here.

Mr. *Kelly.*—In the translation it is "of."

Lord Chief Justice.—It is "the."

Mr. *Starkie.*—We have the original here, my Lord.

Witness.—I have the original also; it should be *of* keiltoll; it is "*de* keiltoll of the water of Mercy, and within the aforesaid town or lordship of Litherpole aforesaid, and with the windmill called Acres Mill, and another mill called Wavertree Mill, within the manor or lordship of West Derby, parcel of the duchy aforesaid, in the said county of Lancaster; to have and to hold the aforesaid town and lordship, and other the premises, with the appurtenances, to the aforesaid Richard Molyneux, knight, and William Molyneux, son of the aforesaid Richard, and their assigns, from the Feast of the Annunciation of the Blessed Virgin Mary thence next ensuing, after the date of the said reciting Indenture, unto the end of the term of 41 years thence next ensuing, and fully to be completed, rendering therefore thenceforth yearly to the aforesaid Lord the King and the Lady the Queen, and to the heirs and successors of the said Lady the Queen, for the aforesaid town and lordship aforesaid; and also for the aforesaid ferry-boat, with the aforesaid passage over the aforesaid water of Mercy, with the aforesaid butchers' shambles, and for the aforesaid farm of the stallage and tolls of the market and fairs, with the aforesaid perquisites of the courts of Litherpole aforesaid, and also for the aforesaid customs, and anchorage, and keiltoll."

Lord Chief Justice.—"De keiltolls," which looks very like "the."

Witness. It is *de* (referring to the original), "and keiltolls of the aforesaid water of Mercy, within the aforesaid township of Liverpool, 14*l.* for the ancient farm, and 6*s.* 8*d.* then beyond for the ancient last increase by the year, and for the aforesaid mill called Acresmyl, 20*s.*, and for the aforesaid mill called Wavertre Mill, 20*s.* of lawful money of England, as it was then answered to the said Lord the King and the Lady the Queen, at the Feasts of Easter and St. Michael the Archangel by equal portions; and further to do in manner as in the same Indenture is more fully contained, the right, title, term of years, and interest for which same Richard Molyneux, knight, and William Molyneux, son of the aforesaid Richard, of and in the premises, the before-named Richard Molyneux, knight, son of the aforesaid William Molyneux, now deceased, now hath, as the before-named Lady the Queen is now given to understand, and by force thereof is now possessed of the premises, and being so possessed thereof is now desirous to surrender and give up the aforesaid Indenture, and all his right, title, term of years, and interest of and in the premises into the hands of the said Lady the now Queen, and the same Indenture, and all his right, title, term of years, and interest of and in the premises now, to wit, in the term of St. Michael, in the 27th and 29th years of the reign of the said Lady Queen Elizabeth, the same Richard Molyneux, knight, before the Chancellor and Council of the duchy aforesaid, in the chamber of the same duchy at Westminster, surrendered and delivered up to the Lady the Queen, and the same

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is now there cancelled, to the intent and effect that the aforesaid now Lady might make a (grant) thereof at her good will and pleasure, which same surrender the aforesaid Lady the now Queen hath accepted, and doth now accept by these presents. Whereupon the now Queen, for and in consideration of the surrender aforesaid, and also in consideration of the good, true and faithful service by the aforesaid Richard Molyneux, knight, heretofore performed to the said Lady the Queen, by the advice and consent of her Council of her Duchy of Lancaster aforesaid, hath granted, demised, and to farm let to the before-named Richard Molyneux, knight, son of the aforesaid William, the aforesaid town and lordship of Liverpool, with the appurtenances, in the county aforesaid, and also the aforesaid ferry-boat and passage over the water of Mercy aforesaid, and the aforesaid butchers' shambles in the said town of Liverpool, and also the aforesaid stallage and tolls of the market and fair, with the aforesaid perquisites of courts in Liverpool aforesaid, and also the custom and anchorage and keiltoll of the aforesaid water of the Mercy, and within the aforesaid town or lordship of Liverpool aforesaid, and the aforesaid one windmill called Acres Myll, and the aforesaid other mill called Wavertree Mill within the manor or lordship aforesaid, of West Derby aforesaid, parcel of the duchy aforesaid, in the said county of Lancaster; to have and to hold the aforesaid town and lordship, and other premises, with the appurtenances, to the beforenamed Richard Molyneux, knight, son of the aforesaid William, and his assigns, from the Feast of St. Michael the Archangel last past before the date of these presents unto the end of the term of 31 years thence next ensuing and fully to be completed, rendering 14 *l.* 6 *s.* 8 *d.*, then for a mill called Acres Mill, 20 *s.*, and for a mill called Wavertre Mill, 20 *s.*"

Lord Chief Justice.—Give me the original of that.

Mr. *Starkie.*—Have you a lease in the reign of James the First, No. 33, to Sir Richard Molyneux?

Witness.—Yes, sir, this is the original; it is under the seal of the duchy; the seal of the county palatine besides.

Mr. *Starkie.*—Read it.

Witness.—My translation has been made from the enrolment in the duchy. I believe it agrees with the others. "This Indenture, made between the most excellent Prince and Lord James, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c., on the one part, and Richard Molyneux, knight, of the other part: Witnesseth, that whereas in a certain Indenture, made between Elizabeth, late Queen of England, on the one part, and Richard Molyneux, knight, on the other part, bearing date the 28th day of October, in the 28th year of the reign of the said Lady the Queen, it is mentioned that the aforesaid Lady the Queen," by the grants demises to the town of Liverpool, "also one boat, and the passage over the water of Mercy, and the flesh shambles in the said town of Liverpool, and also the stallage and tolls of the market and fairs, with the perquisites of courts in Liverpool aforesaid; also the customs and anchorage of keiltoll."

Lord Chief Justice *Denman.*—It is "of keiltolls" here.

Witness.—"Also the customs and anchorage of keiltoll of the water of Mercy, and within the aforesaid town or lordship of Liverpool aforesaid, and one windmill called Acres Mill, and another windmill called Wavertree Mill, within the manor or lordship of West Derby, parcel of the Duchy of Lancaster aforesaid, in the said county of Lancaster; to have and to hold the aforesaid town and lordship, and other the premises, with the appurtenances, to the aforesaid Richard Molyneux and his assigns, from the Feast of Saint Michael the Archangel last past before the date of the said Indenture, unto the end of the term of 31 years then next following and fully to be completed, rendering therefore thenceforth yearly to the aforenamed Lady the Queen, her heirs and successors, a certain yearly rent, with divers other covenants, as in the said Indenture is more fully contained. Now the aforesaid Lord the King, for and in consideration of the good, true, and acceptable service by the aforenamed Richard Molyneux, as well to the aforesaid Lady the Queen as to the aforesaid Lord the King heretofore done, of his special grace, and of his certain knowledge and mere motion, hath granted, demised, and to farm let to the aforenamed Richard Molyneux the aforesaid town and lordship of Liverpool, with the appurtenances, in the county aforesaid; also the aforesaid boat and passage over the water of Mercy aforesaid, and the aforesaid flesh shambles in the said town of Liverpool, and also the aforesaid stallage and tolls of the markets and fairs, with the aforesaid perquisites of courts in Liverpool aforesaid; also the customs, and anchorage, and keiltoll of the aforesaid water of Mercy, and within the aforesaid town or lordship of Liverpool aforesaid, and the aforesaid windmill called Acres Mill, and the aforesaid windmill, called Wavertree Mill, within the manor or lordship aforesaid, of West Derby aforesaid, parcel of duchy aforesaid, in the county of Lancaster; to have and to hold the aforesaid town and lordship, and other the premises, with the appurtenances, to the aforesaid Richard Molyneux and his assigns for the term of 41 years, to begin immediately and as soon as the aforesaid term of years to the aforesaid named Richard Molyneux, by the Indenture aforesaid made by surrender, expiration, forfeiture, or in any other manner whatsoever, shall be terminated, rendering therefore thenceforth yearly to the aforesaid Lord the King, his heirs and successors, for the aforesaid town and lordship, also for the aforesaid boat, with the aforesaid passage, and the aforesaid water of Mercy, with the aforesaid flesh shambles, and for the aforesaid stallage and tolls of the market, with the aforesaid profits of the courts of Liverpool aforesaid, also for the aforesaid customs, anchorage, and keiltoll of the aforesaid water of Mercy within the aforesaid lordship of Liverpool, 14 *l.* 6 *s.* 8 *d.*, and for the aforesaid windmill called Acres Mill, 20 *s.*, and for the aforesaid mill called Wavertree Mill, 20 *s.*, of lawful money of England, at the Feasts of the Annunciation of the Blessed Mary and of St. Michael the Archangel, in equal portions.

Sir

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Sir *James Scarlett.*—I shall proceed now, my Lord, to another head of evidence which follows in the printed book, and your Lordship will find that it relates to the steward's accounts of the Molyneux family. My Lord, some of the most ancient that I find here, which goes back to the year 1500 and odd, I do not find signed by the steward; probably my learned friend will object to those; the first on which I find the steward's name is 1609; the name is Nicholas Fazakerley; it purports to be his account, and to be in the same handwriting with the body of the book. My friend will look at it (handing the book to Mr. Serjeant Wilde).

Mr. Serjeant *Wilde.*—My Lord, not making this a precedent for anything else, I shall not object to this as it stands; it does not appear to me I am called on to object.

Lord Chief Justice *Denman.*—To no part?

Mr. Serjeant *Wilde.*—To the book; here is the book with the name of Nicholas Fazakerley, but the name at the outside does not appear to be the signature; but if I understand, Sir James reads it only to show the receipts of rents that have been received on the lease; I do not object to it being received for that purpose at the date; it contains those entries.

Mr. *O'Keill,* re-called; and Examined by Sir *James Scarlett.*

You produce this from Lord Sefton's muniment room?—Yes.

Mr. Serjeant *Wilde.*—Perhaps Mr. O'Keill will read the title?

Witness.—"The Book of Accounts of Nicholas Fazakerley."

Sir *James Scarlett.*—That is towards the middle of the page where No. 34 is marked.

Witness.—"For all such sums of money as he hath received for his master Sir Richard Molyneux, knight, for one whole year, ended at Martinmas, in the 7th year of the reign of James the now King, &c., and of Scotland 43d, 1609."

Mr. Serjeant *Wilde.*—I do not recollect any under-lease of that date.

Lord Chief Justice *Denman.*—It does not profess to give any date to the lease.

Sir *Thomas Wilde.*—My reason, my Lord, for not objecting to this was, that as it was produced to show the payment of rent under the lease, confirmed by the fact of the lease being proved, it appeared to me not worth occupying the time of the Court in discussing it; I doubt whether this document is sufficiently authenticated to admit that.

Sir *James Scarlett.*—The very last document recites the lease of Queen Elizabeth had been surrendered.

Mr. Serjeant *Wilde.*—The point is, whether there is any evidence, either by recital or otherwise, of an existing lease at the date now spoken to; according to the notes we have taken, there is not; if we are mistaken in that, I should not wish to give trouble about it.

Lord Chief Justice *Denman.*—The lease, the last before that, is dated 1606.

Mr. Serjeant *Wilde.*—According to our notes, there is but one under-lease.

Mr. *Kelly.*—There is the 4th and 5th William and Mary, that is the only one.

Sir *James Scarlett.*—I beg your pardon.

Mr. Serjeant *Wilde.*—We may be mistaken in that.

Sir *James Scarlett.*—I do not find the under-lease.

Lord Chief Justice *Denman.*—The Indenture, 31 of the 4th & 5th William and Mary, is for the term of years fully to be complete and ended, and then from year to year at pleasure.

Sir *James Scarlett.*—The lease of Philip and Mary is from year to year; it was surrendered for a new lease in the 38th of Elizabeth, and that was surrendered for a new lease at the commencement of the reign of James the First.

Mr. *Kelly.*—These are leases between the Crown and the Molyneux family; here is no lease after that whatever to the corporation, and the lease out of which this under-lease was carved was afterwards surrendered.

Sir *James Scarlett.*—You do not hear my answer to the objection, nor do you understand it. It is a lease from year to year to the corporation.

Lord Chief Justice *Denman.*—Granted in the time of Philip and Mary; the then grantors of that lease got two other leases, under which there may have been a continuing holding.

Sir *James Scarlett.*—To be sure; and if I show this is evidence in 1609, they were tenants then, nothing else being shown to the contrary, yearly tenants accounted in that way to the Molyneux family, and Nicholas Fazakerley is the person who accounts.

Mr. Serjeant *Wilde.*—All we can do at this moment is to see whether that book is evidence. I assent to that book so far as it is confirmed by any lease; when it is not, it must depend on its own merits, and your Lordship will have to dispose of it.

Sir *James Scarlett.*—On the merits of the book. I apprehend it is sufficient that is the signature on the outside; it is exactly similar to the case that occurred a few years ago, as to the tolls of the Corporation of Portsmouth, which was tried at Winchester. A motion was made for a new trial on a point reserved on the reception of a book of that description which had no signature there other than on the back of the book, stating it was the account of the bailiff, or whoever it was, the treasurer; the book was produced in Court, and the Court looked at it, and thought it sufficient evidence.

Mr. Serjeant *Wilde.*—I recollect the discussion on the case from Portsmouth, respecting the receipt of a document; and your Lordship will recollect twenty others, all of which would turn on the nature of the documents produced as this must; of course, much will depend on what other evidence had been introduced to connect that document with the

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other evidence; and if your Lordship looks at it, it does not purport to be a signature to the accounts, and is so placed as to make it much more probable that the name on the outside was put before the contents were written, rather than afterwards.

Lord Chief Justice *Denman*.—It turns on the appearance of the book itself; on that you would urge that Mr. Fazakerley does not charge himself with the thing.

Mr. Serjeant *Wilde*.—In the first place, here there is no evidence it is Mr. Fazakerley's handwriting, it may as well be any other person. I take it for granted, I assume this book is produced by Mr. O'Keill from the muniment room with the other deeds.

Sir *James Scarlett*.—Yes.

Mr. Serjeant *Wilde*.—So I understand it; there is an endorsement that it is the account book of Mr. Fazakerley. I do not recollect the precise terms.

Sir *James Scarlett*.—"The account-book of Nicholas Fazakerley for all such sums of money as he hath received for his master Sir Richard Molyneux, knight, for one whole year."

Mr. Serjeant *Wilde*.—I apprehend, without some evidence as to handwriting of some part of it, or some evidence to connect Fazakerley with it, much more of some person having put his name to the book, either himself or any other person, does not appear. I submit that is not sufficiently authenticated. I understand it comes from the representatives of the family of Molyneux, Lord Sefton; still in the absence of any lease it does not appear to me to be sufficiently authenticated as it now is.

Lord Chief Justice *Denman*.—I think there is evidence of the Molyneux family being then in possession. I think, without something to show an interruption, it must be presumed that although they had different grantees, they went on one letting from year to year as they did before.

Mr. Serjeant *Wilde*.—I submit, you could hardly presume a renewal of the term, particularly where the landlord takes by a new title.

Sir *James Scarlett*.—We shall show a subsequent payment continuing down.

Mr. Serjeant *Wilde*.—I am not dealing with what will be shown hereafter.

Lord Chief Justice *Denman*.—The question is, whether this book does sufficiently purport to charge Mr. Fazerkerley; whether there is any apparent act by which he has charged himself.

Sir *James Scarlett*.—It professes to be Mr. Fazakerley's account on the account outside; the inside your Lordship has not seen; there is a memorandum.

Mr. Serjeant *Wilde*.—We are discussing at present whether we are to look at the inside.

Sir *James Scarlett*.—The Judge looks at the books to see whether they are evidence.

Mr. Serjeant *Wilde*.—Yes, he does.

(His Lordship examined the book.)

Lord Chief Justice *Denman*.—Whereabouts is this?

Sir *James Scarlett*.—I turned down the place marked in pencil in the margin.

Mr. Serjeant *Wilde*.—Of course, my Lord, some evidence must be given of who Mr. Fazakerley is; at present we know nothing of him.

Sir *James Scarlett*.—Very difficult to give an account of a man 250 years ago.

Lord Chief Justice *Denman*.—Yes; I think I must receive it.

Mr. Serjeant *Wilde*.—I understand your Lordship to receive it?

Lord Chief Justice *Denman*.—Yes.

Mr. Serjeant *Wilde*.—Without any evidence as to who Mr. Fazakerley is?

By Sir *James Scarlett*.—You found that among the muniments and the rent-rolls of the estate?—Yes.

Re-examined by Mr. Serjeant *Wilde*.

Found it amongst the rent-rolls of the estate?—I found it among the muniments.

Why; and you answer about rent-rolls of the estate; you answered, and I thought you had heard the question; that is the paper you found in the muniment room of my Lord Sefton?—Yes.

That is all you know?—Yes.

Mr. Serjeant *Wilde*.—My friend says you know more; I am not in your confidence.

By Sir *James Scarlett*.—Did you find that alone?—No, I found a number of other documents of a similar kind.

You can tell the general character of the documents; do they purport to be rent-rolls of the estate?—Exactly similar to this.

Read it?—"Custom of Liverpool. Received the 25th day of July, of Roger Hey, one of the bailiffs there, for one half year's rent, due at Midsummer last, 10*l*."

I believe you have the next one, which probably is a descendant of that Nicholas Fazakerley, the same name?—(No answer.)

Lord Chief Justice *Denman*.—The under-lease of Sir Richard Molyneux to the Mayor of Liverpool is, "yielding and paying the sum of 11*l*. 16*s*. 8*d*.," and here is 10*l*. for half a year's rent, so that the rent must have been reduced in the meantime.

Sir *Thomas Wilde*.—Increased.

Lord Chief Justice *Denman*.—Increased.

Sir *James Scarlett*.—We are going to show one of 1671.

You found this also?—Yes.

This is signed Nicholas Fazakerley?—I presume it must be a descendant of the other man, as it is 60 years afterwards that is signed at the end by Mr. Fazakerley.

Sir

Sir *Thomas Wilde.*—Give me the last book you read.—(The book was handed to Mr Serjeant *Wilde.*)

Sir *James Scarlett.*—I withdraw that; the rent of Liverpool is not mentioned; produce the one of 1673; is this signed by Fazakerley?—Yes.

Mr. Serjeant *Wilde.*—There is no accounting in the last document, it is not made up in the form of an account.

Lord Chief Justice *Denman.*—You know you will produce it, if necessary.

Sir *James Scarlett.*—This is 1673; we skip the intermediate one.

Witness.—Shall I read the heading?

Sir *James Scarlett.*—Yes.

Witness.—"A true and perfect account of all sum and sums of money received and paid by Nicholas Fazakerley, receiver of the rents and revenues belonging to the Right honourable Caryll Lord Viscount Molineux, in the county of Lancaster, from the 25th day of March in the year of our Lord God, 1673, unto the 25th day of March 1674. Liverpool, October 3d, 1673."

Lord Chief Justice *Denman.*—June 4th, 1763, is the first?—"Liverpool. Received of John Pluckington of the rents there due in the new street the year last, 5*l.* October 22d. Received more of him of the rents there due this year, and for burgage rents, 12*l.* 15*s.*"

Lord Chief Justice *Denman.*—Burgage rents are within this lease?

Sir *James Scarlett.*—Yes.

Witness.—"October 3d, 1673. Received of the bailiff of Liverpool the rent due to my Lord from the town for one year, ended at Michaelmas last, according to a lease granted by my Lord to the town, 30*l.*"

Sir *James Scarlett.*—That is after the lease for 1,000 years.

Mr. Serjeant *Wilde.*—Read the next.

Witness.—"November 19th, 1673. Received of William Nicholls, for rent of the boats for one year, ended at Midsummer, 1673, 8*l.*;" making 55*l.* 15*s.*

By Mr. Serjeant *Wilde.*—What is that at the bottom (referring to the first book)?—The sum total, mentioning the amount.

Sir *James Scarlett.*—Then there it is summed up?

Mr. Serjeant *Wilde.*—Yes.

By Mr. Serjeant *Wilde.*—What is the amount of the sum total?—£.1,652. 2*s.* 4½*d.*

Mr. *O'Keill,* Examined by Mr. *Cresswell.*

Will you produce the earliest of the record books of the corporation?—I have one.

Do you produce that from the office of the town clerk, or from the muniments of the corporation?—Yes.

You are the committee clerk?—I am committee clerk to the corporation.

Do you find in that book the admittance of Roger Brownelaw as a free burgess?—Yes.

Read that?

Lord Chief Justice *Denman.*—You are not going on now with the printed book?

Mr. *Cresswell.*—Yes, my Lord.

Witness.—"In the time of Thomas More, gentleman——"

Mr. Serjeant *Wilde.*—Let me look at that before you read it, will you? (It was handed to Mr. Serjeant *Wilde.*) I do not know, my Lord, how this is evidence for the plaintiffs themselves; I do not know what it is intended to prove. I understand from my learned friend some of the leaves are misplaced; whether they formed the book before, I do not know. I am not aware that any entry in the book of the corporation by themselves can be produced for themselves on the present occasion. The objectionable entries in your own private books are not to be read in evidence.

Sir *James Scarlett.*—We produce this as the admission of a freeman, and I know of no other evidence that can prove it but the entry of the admission; it is properly in the book of the corporation. Those entries are made. I know of no other mode by which they could be proved in any other legitimate mode; the bearing of them is another thing. But I apprehend an old book of the corporation, in which the admission of a freeman is entered, is the only legitimate evidence to show that the freeman was so admitted, and the terms on which he is so admitted.

Mr. Serjeant *Wilde.*—What will be the cause of admission is one thing. If the party is admitted by any form which is entered in a book, then the form is necessary to his admittance, and it may be read in evidence, but the record of the fact is not evidence of the admission. This, as I understand, is a statement entered in their own book; that, in point of fact, they did admit. That is not an admittance, nor does it stand on the footing my friend was urging it is to be received.

Sir *James Scarlett.*—It recites his coming to take the oath; how are we to prove it otherwise?

Mr. Serjeant *Wilde.*—How you are to prove it otherwise, I do not know. This I know; you are thinking fit to enter in your own corporation books such an act, as you say you did; you cannot use it in evidence against other persons. If this was a book of admissions, it is another thing.

Lord Chief Justice *Denman.*—Freemen are admitted by taking the oath before the mayor; is that so?

Mr. *Foster.*—Yes, my Lord.

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Mr. *Foster*, Examined by Mr. Serjeant *Wilde*.

Stop a moment, Mr. Foster; when a party is admitted to his freedom, is an admittance drawn out?—His name is entered in what is called the "Call-book."

You mean a list of those you admit?—Yes.

I am asking if you do not make out an admittance?—No.

Do you give him no document?—A copy of his oath he has given.

Is that signed by anybody?—The oath is not signed, except at the bottom, with a memorandum, stating the day when he was sworn.

That is the place where things usually are sworn; at the bottom who is it signed by?—Sometimes by the town clerk, and sometimes by the person who administers the oath.

Does he sign any book?—He does not.

Is that document which you deliver to him stamped?—It is not.

What is the form of admission; is it the administration of an oath?—The administration of an oath, after his right to admission has been allowed by the council.

The right to the admission to the freedom from servitude?—Yes; servitude or birth.

Or purchase?—No, not purchase.

Was that the practice of former times, to admit on purchase?—I believe it has been, formerly.

When you say his right to the admittance, whatever it be founded on, is sanctioned, how is that done?—The first operation is to inquire from some of the members of the corporation, of the mayor.

And when the title is proved, what is done?—It is reported to the meeting of the council, and he is ordered to be first admitted by a resolution of the council.

And that resolution do you enter in a book?—Yes.

What is done then?—He is sworn in after that; and when sworn, he is entered in what is called the call-book, which is a list of the freemen used at the election, an alphabetical list of freemen used at the time of taking the poll at the election.

Is that book signed?—It is not.

Who is that kept by?—By the town clerk for the time being.

And those entries are made, are they, at the time of admission, in that call-book?—Generally not at the moment, at the time of being sworn in; the routine of the operation is, the clerk immediately puts his name in this call-book.

Does this book purport to contain a list of the existing freemen?—Not at this moment; that is the oldest book.

A list of existing freemen at the date of the book?—No, of all the admissions, of all the resolutions of the corporation at that day, admitting the freemen.

Mr. Serjeant *Wilde*.—Is the entry a resolution?

Lord Chief Justice *Denman*.—Not a list of the names of freemen, but a series of resolutions, by which they are admitted.

Witness.—This is the first book; it is so in point of fact; it contains an entry of the resolution of the body at which this took place.

By Sir *James Scarlett*.—Then it states he took the oath?—Yes.

Mr. Serjeant *Wilde*.—I do not think I shall give your Lordship any trouble about hat.

Lord Chief Justice *Denman*.—I do not see you have any other record at all.

Witness.—"In the time of Thomas More, for the Lord the King, in the 5th year of the reign of Edward the Sixth, by the grace of God, of England, France, and Ireland, King, Defender of the Faith, and on earth superior head of the English and Irish Church. The ninth day of November, in the aforesaid year of King Edward the Sixth. Upon the oaths of John Barker, Ralph Barlane, Richard Raynford, Thomas Bolton, Thomas Bartwell, &c., who say aforesaid, &c. *inter alia*: Roger Brownelaw came to this court and took the oath to be a freeman of Liverpool, upon condition that if he, together with his wife, should leave his house, reside and remain in this town, then he should be free, and have his part with the burgesses of this town; and if he did not remain in the town, that then he should not have the aforesaid bargain, and so was admitted, and made free of. Ralph Sekerston, mayor for the aforesaid Lord the King, in the 5th year, &c."

Is that in Latin?—Yes.

You are reading it in English?—Yes. "Condition made between the aforesaid Ralph and the said Roger Brownelaw, 4th day of July, in the aforesaid year of King Edward the Sixth aforesaid, that the said Roger shall bring his wife and household to Liverpool, and there to remain and dwell within St. Michael the Archangel; and in case he do not come and dwell in Liverpool according as"—then something or other is broken off—"he shall lose his liberty and freedom in Liverpool, and pay all custom."

Now, find the entry, as to Edward Tarleton, you have there in the year 1553?—Yes; "Edward Tarleton came to this court and took the oath to be a freeman of Liverpool, on the condition——"

Mr. Serjeant *Wilde*.—Your Lordship will observe the entry is not a mere entry of the admission of the party as a freeman, but also states the terms of admission.

Witness.—"Edward Tarleton came to this court and took the oath to be a freeman of Liverpool, on the condition——"

Mr. Serjeant *Wilde*.—I must object.

Lord Chief Justice *Denman*.—You withdrew the objection.

Mr. Serjeant *Wilde*. The reason I take the liberty of mentioning it again, I did not see the

the object of reading it at the moment. This corporation, I dare say, from the present moment, or probably recently, or the corporation at that time, would of course take care to establish a custom if by the entry of certain terms on which they chose to admit their own freemen they could make evidence against the rest of the world in support of that custom. This, my Lord, is a matter privately between themselves; it is not of that nature generally affecting the public, so as to give it a character which entitles it to be read as evidence, but it seems to me to be strictly within that rule which is privileged for the purpose of protecting the public, namely, that individuals shall not make evidence for themselves by entries in their own private books, which the rest of the world can neither control, nor have a knowledge of. It seems to be used for the purpose of affecting the rule, and does not appear to me to be evidence.

Mr. *Kelly*.—Your Lordship will see the nature of this, it has nothing on earth to do with it; the admission of a particular person and the confirmation can have nothing to do with this case; it is obvious the evidence is put in to show something which, taken by itself, would not be evidence in support of the case.

By Sir *James Scarlett*.—What is the title; is it a portmote court?—No title; it is *ad hunc curia*—this court.

Sir *James Scarlett*.—I apprehend, my learned friend, by introducing what he very legitimately might use as an observation on the effect of the evidence, cannot exclude it from being received; why should he suppose that this was a mere fiction? because that is what he assumes, that they are making a fiction; if the entry is a true entry, it shows that the individual who accepted the freedom accepted it on a certain condition, which recognises the custom. How can my friend say that is making evidence for themselves? In every corporation almost the practice is to bind the freemen by some oath, or some obligation, not to colour the goods of foreigners with their own rights; such entries have been admitted in courts of justice at all times. In the case of the Corporation of Bristol, tried here some years ago, an action for tolls, the earliest book of the corporation was read for the same purpose; certain entries, in which the entries were to show that the corporation obliged a freeman to enter into an obligation, and forfeited a penalty if he coloured foreigners' goods; it was read for no other purpose, for the purpose of showing they claimed the right of admission, and they did that only.

Lord Chief Justice *Denman*.—What case was that you mentioned?

Sir *James Scarlett*.—An action against the Corporation of Bristol, tried a few years ago.

Mr. *Cresswell*.—Against Bush?

Mr. Serjeant *Wilde*.—I will hand up a case which seems to me in principle to establish this: Mamage *v.* Lawrance, 3rd Barnewall and Adolphus, p. 143.

Lord Chief Justice *Denman*.—It is the condition annexed to the entry you object to?

Sir *James Scarlett*.—The freemen of the corporation were bound not to colour foreigners' goods. We show examples of freemen disfranchised by the breach of that condition; what is this but showing an exercise of the right at the time of Edward the Sixth, which they claim now? Is it to be presumed they have some person there for the purpose of making evidence? It is the course of proceeding adopted.

Mr. Serjeant *Wilde*.—This, my Lord, was a case of trespass, for taking three sacks of wheat; and it appears the parties were desirous of establishing the custom; and there was an entry in the book of the corporation, stating that two ships loaded with coal had arrived within the limits of the borough, and had loaded without licence; whereupon notice was given to the parties, and the ship was afterwards seized; the parties came in and paid the fine, and there the entry is signed by the clerk. The evidence was rejected. Lord Chief Justice Abbott at the time says, "It seems to me the evidence was rightly rejected; it was no more than a minute made by the party in his own memorandum book, and it was, in fact, making evidence for himself. It is said they are public books in which the entry was found; they are not public books for all purposes. If this entry had been of a public nature, it would be different, but its not being so, the rule of evidence requires that it should not be received." In that case, also, Mr. Justice Bayley says, "This falls within the rule of evidence, which prohibits a party from making evidence for himself. If a corporation enter their own private business in the public court books, that circumstance will not alter the nature of the entry, for if the entry apply to private transactions alone, it would still fall within the rule applicable to private books, which cannot be given in evidence for the parties to whom they belong." "Holroyd, J. The book in which the entry is made makes no difference, for it will not make the entry of a public nature because it appears it is found in a public book; and if it be of a private nature, it is not receivable in evidence." Now, I submit to your Lordship, the entry of the admission of one of their own freemen, with the annexation of any terms they think fit, is a private entry of a transaction which the rest of the public has nothing to do with. My friend says, "I say that is all fiction;" I do not say so; I say the general rule of law for the protection of other persons excludes memorandums, either of individuals or of corporations, in their own private books, not relating to the transaction of a general and public nature. Without arguing upon this particular instance, to which I address no observation, I say it falls within the principle decided in the case, and I submit is not admissible in evidence.

Sir *James Scarlett*.—I apprehend my friend has confounded this with a private entry, which that case clearly alludes to, and applies to nothing else; a private entry of a transaction with which the public has no concern whatever cannot be made evidence for the corporation, because you have it in a public record; that I fully admit; but this entry is

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not of that nature; it is an entry that relates to the whole of the inhabitants of Liverpool, and it is done in a public court, in the presence of the court.

Mr. Serjeant *Wilde.*—How does that appear?

Sir *James Scarlett.*—Because it is stated the man came to that court.

Mr. Serjeant *Wilde.*—There is nothing before that or after it to import that.

Sir *James Scarlett.*—If you suppose the entry fictitious, that is another thing.

Mr. Serjeant *Wilde.*—I suppose it does not possess the character of evidence.

Sir *James Scarlett.*—Assume that to be true for the argument, it is evidence of a public transaction in an open court, to which all Liverpool would be open; an exercise by the corporation of a right which affects the whole town of Liverpool; it is not like an entry respecting the receipts of lands, or anything of that sort.

Lord Chief Justice *Denman.*—This is an independent collateral fact, which they sought to prove by its being stated in the book; here it is part of the entry itself of the admission. If it is important for you to prove the admission for any other purposes, the admission only, I think we must take it in the best way we can get it. I must own I have some doubt about the annexation of this condition to it, that being the object of the evidence itself.

Sir *James Scarlett.*—My Lord, rather than risk anything that is at all doubtful, we will proceed to some other, whatever my own opinion may be.

By Mr. *Cresswell.*—Turn to page 80?—Robert Cob, mayor, 1561.

Mr. Serjeant *Wilde.*—My Lord, this is open to the same objection.

Lord Chief Justice *Denman.*—Is this tendered?

Sir *James Scarlett.*—My Lord, in the case of Bristol, several cases were admitted of persons paying money, when under the displeasure of the corporation, paying money to be admitted freemen, in order to have their goods free. That was an act done by an individual, in whichhe recognises the custom.

Mr. Serjeant *Wilde.*—Your Lordship observes that the last did not state in what Court, whether a Court in which anybody came; this is worse; this is Rauff Chatterton agreed with the town.

Lord Chief Justice *Denman.*—With much ado.

Mr. Serjeant *Wilde.*—People do submit to a great deal after much ado, my Lord.

Sir *James Scarlett.*—I do not think it is worth while.

Lord Chief Justice *Denman.*—Do you wish to press it or not?

Sir *James Scarlett.*—I do not wish to press it; I shall go to some others afterwards.

By Mr. *Cresswell.*—Now turn to page 231?

Sir *James Scarlett.*—This is an engagement made by a person appointed town's customer, for the faithful discharge of the duty; it is, in fact, the appointment of the town's customer for collecting the customs. I apprehend that is clear evidence of an act done by the corporation.

Witness.—A memorandum on the day.

Examined by Mr. Serjeant *Wilde.*

What is the beginning of the book; is there any title to it?—No, sir, no title to it. "Second Book of Records."

Sir *James Scarlett.*—In the case of the Corporation of Cambridge, tried here three times on each occasion the Judge admitted entries in the corporation books to show the appointment of bailiff and collectors; I made some objection, and it was overruled.

Mr. Serjeant *Wilde.*—I do not know what the particular entries are, but as far as this is concerned, this appears to me to be merely an account, or some statement, signed by a person of the name of Starkye, as to what he will do for the corporation, and that is produced for the purpose of showing what right the corporation had against third persons, so that by the arrangement with their own offices, he is to engage to do something for him, and that engagement was to be evidence against the public that he had authority and right to do that which he engages to do.

Sir *James Scarlett.*—This would be nothing if it was not followed up by showing, as I shall do, that the town's customer, when we come down to the evidence, which is free from obscurity of ancient books which have lost their title and so on, that there was a town's customer, and he accounted to the town for these customs.

Lord Chief Justice *Denman.*—You had better give evidence of it in the first place.

Mr. Serjeant *Wilde.*—When it comes to be proved we shall see how it is proved, and of course whether it comes in a proper form; I cannot but anticipate it may be just as objectionable as this is, or more so. I will deal with this; if your Lordship will look at this, it is plainly and simply an entry.

Lord Chief Justice *Denman.*—I have a copy here.

Mr. Serjeant *Wilde.*—It appears to be all one handwriting, as far as I can judge.

By Lord Chief Justice *Denman.*—Is there a town customer of the corporation?—Yes, there is a town customer.

Sir *James Scarlett.*—Who receives the customs?

Mr. Serjeant *Wilde.*—Not these customs.

Witness.—Who receives the duties.

Lord Chief Justice *Denman.*—Who receives whatever the corporation is entitled to, I suppose.

Mr. *Cresswell.*—Receives those that are in question in this action, my Lord.

Mr. Serjeant *Wilde.*—That we shall see by-and-by.

Mr. *Foster*, Examined by Mr. Serjeant *Wilde*.

You have an officer you call the town customer?—Yes.

It is part of his duty to claim certain dues claimed by the corporation?—Yes.

Who is the gentleman; what is his name?—Mr. Currie, at present.

Mr. Serjeant *Wilde*.—My Lord, I submit this is little more than instructions of the corporation to their officer, which they now wish to show as evidence of a right being consistent with those instructions that at present they do by an entry.

Sir *James Scarlett*.—It is an engagement that he enters into.

Lord Chief Justice *Denman*.—I think I must admit it.

Mr. *Okeill*'s Examination continued.

Witness.—" Memorandum, on the day and year before written. Peter Starkye, of Liverpool, in the county of Lancaster, merchant; Thomas Wignall, of the same town, dyer; Thomas Rose, of the same place, husbandman; also the said Thomas Rose de Bakehouse, came before John Crosse, esq., mayor of the town, and in their own proper persons, both acknowledged that they owed to the aforesaid Lady the Queen 40*l.* of good and lawful money, payable to the said Queen, her heirs and successors, at the feast of St. Martin, and unless they did so, they agreed, and each of them agreed" ——

Mr. Serjeant *Wilde*.—Your Lordship will observe now what this is; it is an entry of somebody entering into recognizances.

Lord Chief Justice *Denman*.—Yes.

Mr. *Cresswell*.—It is the recognizance itself.

Witness.—" Unless they agreed and all agreed to pay the aforesaid sum, their lands and chattels D. The condition of the recognizance is such, that if the above-bounden Peter Starkye shall and will well and truly from time to time during such time as he shall use and enjoy the office of the custom of this town of Liverpool, collect, levy, receive, and take all and every such customs, and other duties ancient and accustomed whatsoever, which in anywise and by any manner of person or persons shall be due and payable unto the said town by him to be received and gathered by reason or in respect of his said office of custom; and if also the said Peter Starkie shall and will well and truly from time to time during the time aforesaid, yield and pay unto the officers of this town to whom it shall appertain to receive the same, all and every such customs duties, and sums of money as by him shall be collected and received, or otherwise come to his hands for and in consideration of his said office when and so often"——

Mr. Serjeant *Wilde*.—What is the date of that?

Lord Chief Justice *Denman*.—1581.

Witness.—The 26th of October, in the 23d year of Queen Elizabeth?

Mr. *Cresswell*.—Look at page 897 (23).

Lord Chief Justice *Denman*.—Pass over the next.

Sir *James Scarlett*.—I pass over the next; the next is a bye-law of the corporation, then Edward Moore, Esq.

Witness.—At an assembly in the Common Hall.

Mr. Serjeant *Wilde*.—Stop a moment, if you please; your Lordship has that entry before you. I submit that it is not evidence either.

Mr. *Foster*, Examined by Sir *James Scarlett*.

Do you know whether a freeman of Bristol, resident at Liverpool, claims an exemption?—A freeman resident at Bristol claims an exemption.

And that is allowed?—It is allowed.

By Lord Chief Justice *Denman*.—Although resident at Bristol?—Resident at Bristol, my Lord.

Mr. Serjeant *Wilde*.—My Lord, this, I apprehend, is as strictly within the very objection that can be urged in favour of a private entry against a party as can possibly be; and a statement of fact that somebody came, and what passed between them, and what was agreed.

Sir *James Scarlett*.—Your Lordship sees what the fact is; from the statement, it is an application by a person to have the privilege of exemption; that is determined by his producing the document to show he was a freeman of Bristol; he is admitted to be a freeman of the town of Liverpool; he was admitted a free burgess of the town; this is the admission. They admit him to receive this sum of money from him for his admission as a freeman.

Lord Chief Justice *Denman*.—I have very great doubt about that myself. I must say I hardly think it is evidence. I do not think the admission of the receipt of money which is to establish the right to receive it from all parties can be taken as an evidence of admission.

Mr. *Follett*.—It is not the payment of a debt; it is the payment of a certain sum of money for his freedom.

Mr. *Cresswell*.—Given for his ingress, 46*s.* 8*d.*

Sir *James Scarlett*.—I do not think, by the same rule, the next can be evidence. Does not your Lordship think the two following are evidence? This is an order made to indemnify them.

Mr. Serjeant *Wilde*.—I shall not object to the two next, my Lord.

Sir *James Scarlett*.—The three next, G. H. and I., pages 516, 532, 537.

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Mr. *Okeill*, Examined by Sir *James Scarlett*.

Read at page 516.

At a council held the 9th of December 1724. This council being acquainted that Mr. Benjamin Darbie, who has loaden several ships with rock-salt for Topsham and other places, now lying at the town-side, refused to pay the town's custom for such rock-salt, although he is not a freeman of this borough, and that thereupon Mr. Mayor gave directions yesterday to seize six bushels on board the ship called the "Neptune," Samuel Moran, master, and that Thomas Charnock, who is deputy water-bailiff, taking to his assistance James Lewthwaite and Thomas Wilkinson, did thereon seize six bushels for the town's custom. It is ordered that they all be indemnified, and defended therein by the corporation.

The next is 532.

At a council held the 31st of January 1725. Mr. Benjamin Darby having commenced a suit against Mr. Alderman Goodwin, the late mayor and others, for causing some rock-salts to be seized on his refusing to pay the town's custom: It is ordered that Mr. Norris, Mr. Moorcroft, Mr. Seacome, Mr. Fyrer, and Mr. Coore be desired to consider of and give instructions for a proper defence to be made therein; and that the town clerk do solicit the same at London, and prepare a proper brief, and take the opinion of the counsel learned in the law thereon. The next is page 537. At a council held the 18th day of August 1726; Mr. Benjamin Darby proposing an accommodation, and praying to be admitted free of this borough, is ordered so to be, paying 25 guineas, and what is distrained and in custody.

Examined by Mr. *Cresswell*.

Turn to page 773; in the second book go to 376; in the second book do you find the list of freemen there?—Yes.

Do you find Richard Bird in that list?—Yes.

Sir *James Scarlett*.—I am going to read order of disfranchisement of the freedom in the Common Council never acted on; there is a memorandum at the bottom of it. Richard Bird is amongst the list of freemen.

Now at page 773?—(*No answer*.)

Lord Chief Justice *Denman*.—What date is that page 376?

Witness.—It is headed "The names of the free burgesses of the borough of Liverpool, in the time of Thomas Wickstead, mayor there."

By Lord Chief Justice *Denman*.—Do you know when he was he mayor?—Only from the lists made.

Mr. *Follett*.—No register appears.

Witness.—Thomas Wickstead was elected mayor in 1589.

Sir *James Scarlett*.—It is in 1589.

Mr. Serjeant *Wilde*.—Let me look at the list.

Does that purport to be an entry of the proceedings at some meeting of the corporation; I observe at intervals there are many blank pages; that list is not signed by any one, is it?—No.

By Mr. *Cresswell*.—Do you find the list of freemen from time to time in any other book of the corporation?—Occasionally, not many.

Is that the last next preceding the order we are going to read now?—I believe it is.

Examined by Serjeant *Wilde*.

Can you tell me whether that is (I suppose it is) new binding; were the same leaves bound up before? Did you know that book before it was in its present state?—No.

How long have you known that book?—About 17 years.

And it was in that state when you first knew it?—Yes.

Is there any date attached to the list of freemen?—In some of them there may be; I cannot charge my memory to that.

Is there any date attached to the list which you have been reading Bird's name in?—Nothing, but the time when Wickstead was mayor.

By Sir *James Scarlett*.—Read the heading of the list, as you did just now?—"The names of the free burgesses of the borough of Liverpool, at the time of Thomas Wickstead, mayor," there——

By Mr. *Cresswell*.—Do you find the other lists are headed with the names of the mayor at the periods to which the lists are supposed to relate?—I do not remember.

Turn to the next, page 71, in the third book of the next list.

By Mr. Serjeant *Wilde*.—Are there not more in that book?—I do not think there are.

By Mr. *Cresswell*.—There are very few?—This is headed, "John Walker, gentleman, Mayor of Liverpool. The names of the free burgesses within the borough of Liverpool aforesaid, in the time of John Walker, gentleman, mayor," &c.

By Lord Chief Justice *Denman*.—What year was that in; do you know?—About 1634 or '35.

Lord Chief Justice *Denman*.—In '89 he was elected; then in 1630 he had ceased to be.

Mr. *Cresswell*.—There is the entry.

Lord Chief Justice *Denman*.—The entry is probably enough, without this thing; this thing proves very little, I think. If it is evidence, I think the jury will believe he was a freeman.

Mr.

Mr. *Cresswell.*—He was elected an officer of the corporation.

Mr. Serjeant *Wilde.*—Your Lordship thinks the list is evidence?

Lord Chief Justice *Denman.*—Oh, yes; I think it is evidence, certainly, as to the time at which it relates.

Witness.—"At an assembly, holden the 13th day of January 1623"——

Mr. Serjeant *Wilde.*—Cast your eye before that entry, and your Lordship will see what the nature of it is. My Lord, if there be any such presentment as that referred to, if that be evidence, it should be produced. There is an entry of a great many facts in that made by themselves in their own book. I submit to your Lordship that is not evidence.

Lord Chief Justice *Denman.*—If there is a presentment distinct from this.

Sir *James Scarlett.*—If we can find the presentment, we will give it my friend; but we cannot find it. We only show they purported to act on a presentment. We produce this to show that they deposed one officer, and elected another in his place.

Mr. Serjeant *Wilde.*—I object to this being read.

Lord Chief Justice *Denman.*—I think I must receive it.

Sir *James Scarlett.*—The fact of his being disfranchised.

Mr. Serjeant *Wilde.*—Does your Lordship receive this? because of the fact of the disfranchisement of the officer, we have no reason to dispute. I object to this as evidence of the cause of the disfranchisement.

Lord Chief Justice *Denman.*—I think I am bound to receive it; I will take a note of your objection.

Witness.—"At an assembly holden the 13th day of January 1623, before Peter Darkie, gentleman, mayor, and others of the Common Council of this town; at which day, consideration being had of the presentment made by the jury the 9th day of December last, concerning Richard Bird (being one of the council of this town), his concealing of foreigners' goods, to the hindrance of the town's custome under colour of his own goods: It is concluded and agreed, that the said Richard Bird shall be excluded from the Common Council of this town and his freedom. Item, Whereas Richard Bird was one of the 13 merchant praisers, and now being by this assembly disfranchised, John Walker, gent., is elected in his place."

By Sir *James Scarlett.*—The next list of freemen does not contain his name?—It does not.

By Lord Chief Justice *Denman.*—That was in the year 1635?

Witness.—Yes.

By Mr. *Cresswell.*—Go to the 11th volume of your books, 1767?—"At a Council holden the 4th day of February"——

Mr. Serjeant *Wilde.*—That is the entry of a resolution.

Mr. *Cresswell.*—There is a regular proceeding summons.

Mr. Serjeant *Wilde.*—Does your Lordship think these entries evidence of these transactions?

Lord Chief Justice *Denman.*—I think so.

Witness.—"At a Council holden the 4th day of February 1767. An information having at this council been lodged by John Rigby, a freeman of this borough and corporation, against Thomas Marshall, another freeman of the said borough, for that he, the said Thomas Marshall, hath lately defrauded the mayor, bailiffs, and burgesses of Liverpool of their town duties and customs on the several quantities of rock-salt; it ordered," &c.

By Mr. *Cresswell.*—Is the information then set out?—"Borough of Liverpool; to wit, on the 4th day of February 1767, John Rigby, a freeman of the town of Liverpool, in the county of Lancaster, came before the mayor, and bailiffs and commonalty, and a number of Common Council of the town; that is to say, 30 of the Common Council, to wit, Thomas Jones"——

Do not read their names.—"Being all Common Council"——

(excuse set forth,) you are summoned to attend the Council."

Page 404, the order for disfranchisement, does that appear?—Yes.

State when that appears?—A special Council, held 16th February 1767.

He is ordered to be summoned again?—Yes, he is ordered to be summoned again.

Look to page 404?—"At a Council held the 4th of March

time to time afterwards appear."

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Mr. *Foster*, recalled; Examined by Mr. *Cresswell*.

Do you produce the register-book of the freemen of that date?—I do not.

Mr. *Okeill* recalled; Examined by Mr. *Cresswell*.

1788?—
Mr. Serjeant *Wilde*.—That is open to the same objection.
The *Witness*.—Shall I read the heading?
Mr. *Cresswell*.—Yes.
"Council chamber held; ordered in consequence of one William Cross, barber

like account."

5 95?
"At a Common Council held on the 1st of April 1789, William Cross, barber, a freeman of this town

restored to the same."
Mr. *Cresswell*.—Then in the 15th volume, it is so modern it is hardly worth while.
Sir *James Scarlett*.—No. Now we go to the audits.

Examined by Sir *James Scarlett*.

Have you examined the ancient corporation books?—Yes.
The present practice is to appoint a treasurer, is it not?—There is a treasurer appointed to the corporation.
Does it appear, by your examination of the ancient books, that formerly auditors were appointed?—Occasionally.
And that the accounts of public officers were occasionally audited by them?—Yes.
Now be so good as to turn to the account of the auditors for 1572 and 3.
Mr. Serjeant *Wilde*.—This seems to me, my Lord, to fall under the same observation; the entry is of an agreement that certain persons shall perform certain offices.
Sir *James Scarlett*.—It is an appointment of auditors, and I shall show them acting.
Mr. Serjeant *Wilde*.—By a similar entry you will show it?
Sir *James Scarlett*.—I have nobody alive to show it.
Mr. Serjeant *Wilde*.—Is it signed?
Sir *James Scarlett*.—Signed by four of them; they do not all attend.
The *Witness*.—"The 1st of February in the year aforesaid, in the 14th year of Queen Elizabeth, 1571. In this congregation it is agreed

well known unto the town."

Examined by Mr. *Cresswell*.

Look to page 7, 1571, you will find Christopher Holden appointed customer?—"Christopher Holden, customer and collector of the fee farm.

freemen."

Look to page 33; do you find there an audit?—Yes.
Is it signed by the auditors?—Yes, by some of them.

Mr.

Mr. Serjeant *Wilde*.—Let me look at it (*the book was handed*). I must trouble your Lordship to look at this, as it is printed, which I suppose is a correct translation: "Item, by this audit, holden such a day, 27th November, Christopher and his pledges and sureties are found due and owing," and so and so. So that certain persons are found writing in this book, who may be called auditors, that a certain other person is indebted to the town a certain sum. I submit to your Lordship such an entry as that is not evidence.

Lord Chief Justice.—It appears Christopher Holden was a customer?

Mr. *Follett*.—It was so stated.

Sir *James Scarlett*.—We put this in as an audit; the signature of four auditors will be found at the bottom of it; the signature of some of the parties, five others; and one Englefield was one of the parties accounting. We apprehend that this is an audit, and is legitimate evidence.

Mr. Serjeant *Wilde*.—I do not apprehend dignifying it by any given name will alter it. However, certain gentlemen write there is a certain sum of money due to them, and certain numbers of persons, acting for themselves and others, write that A. B. owes to themselves and others a certain sum of money. It may be called an audit, or anything else. It is no admission there is any money due, or that they have received any money. It is that which most persons are not indisposed to do, to write they are entitled to a certain sum of money.

Sir *James Scarlett*.—I thought it was conceded an audit of accounts was receivable in evidence.

Mr. Serjeant *Wilde*.—I recollect the evidence which you objected to, and which I sustained on a different ground. I showed it was the practice of the parties to attend before a certain person and pass his accounts, and it was entered by the town clerk, and I gave a vast deal of evidence more than this. I could not satisfy you with ten times that evidence. There was received, because I showed it was an admission, in fact, of the party sought to be charged. The Court of Common Pleas confirmed the receipt on that ground. How would this be evidence against the man who is said to owe so much money?

The *Lord Chief Justice*.—It seems to me to be no evidence of that fact at all, only that certain auditors did look over the customer's accounts. There were, from time to time, auditors of certain accounts.

Mr. Serjeant *Wilde*.—If that is to be evidence of its being due, the fact of its being so is not receivable as evidence. Suppose, my Lord, it were wished to show a certain sum due, how could the plaintiff call a certain number of persons to say, "We have looked into these accounts, and we find so much due." What does this differ from that, except that it is further removed, and we have not the means of cross-examining?

Sir *James Scarlett*.—I do not put it on the ground the sum is due; it is simply the facts the accounts were audited by the customer; whether found due to him or from him signifies nothing.

Mr. Serjeant *Wilde*.—I submit the entry is neither evidence of the fact, nor anything else.

Lord Chief Justice.—It seems to me to make all the difference; it is evidence of the fact of auditing the customer's accounts.

Mr. Serjeant *Wilde*.—And the customer's accounts?

Lord Chief Justice.—Yes.

The *Witness*.—"Item, by this audit, holden the 27th November 1852.

last past.'"

Sir *James Scarlett*.—W G was head porter of the common warehouse.

Mr. *Cresswell*.—Now look to page 28?—"The town's collector of customs, Christopher Holden, with his pledges

have put their hands."

That is the appointment of officers for the year 1572?—Yes.

Sir *James Scarlett*.—The pledges signed their names.

Mr. *Cresswell*.—Is that signed by the pledges?—Yes. Thos. H is the customer, William G keeper of the hall for goods, and head porter, &c., and for them came Master Thomas Bayward, a Thomas Englefield, John Jellebrond, and Richard Abraham, who undertake, and each of them undertakes for himself, in a fourth part, together with the aforesaid William, to be pledges that he, William, shall justly and faithfully treat all the merchandise and goods placed and to be placed in his custody, and that he shall render a just and faithful account of the payments of the goods, merchandise, and all things, &c.; in testimony whereof the aforesaid pledges each of them have separately to this register on the same day put their hands and seals. Richard Abrahams, J. Englefield, Thos. Bayward, and John Jellebrond."

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Mr. Serjeant *Wilde.*—Is that the whole of the entry?—That is the whole of the entry here. "Collectors and money

."

Mr. *Cresswell.*—Now go to page 71. You will find the audit from 1573?—"Item, in his audit, sitting in the hall 23d of November."

Mr. Serjeant *Wilde.*—Your Lordship understands me as objecting to these entries without troubling your Lordship with repeating it every time.

Lord Chief Justice.—The whole audits.

Mr. Serjeant *Wilde.*—All these.

The *Witness.*—"Sitting in the hall upon the accounts his receipts of ingates, 4 *l.* 15 *s.*

18th of October."

Is that signed?—Yes.

Do you find among others Richard Abrahams?—Richard Abrahams' name is among others.

Sir *James Scarlett.*—Signed by some of the auditors to Richard Abraham is one side, and the auditor's name on the others.

Mr. *Cresswell.*—Now go to page 66; 26th of October 1653, you will find the election of officers there?—"Town customer

William G collector of the wines, both sworn."

Now turn to the audit?—"Christopher Holden, collector and town's customer for the year ending 1574, bringeth his account before Ralph

book of the first auditor, Richard Abraham."

Go to 94, William Gold?—"William Gold, town bailiff, bringeth in his audit on the aforesaid day

10 *s.* 1 *d.* the said Richard Abraham."

Sir *James Scarlett.*—Signed by the auditors?—No other name.

Sir *James Scarlett.*—Richard Abraham is one of the pledges of William Gold; he signs that gentleman is indebted to the customer.

Mr. Serjeant *Wilde.*—Does it charge him or Abraham?

Sir *James Scarlett.*—It charges Gold.

Mr. *Cresswell.*—In page 85, October 1754, Richard Abraham?—"Richard Abraham, our town customer,

pledges."

Go to page 129: "We agree in order to the exercise"?—"Item. We agree that the executors

bring in their accounts next audit."

Now page 157: "Mr. Mayor appointed an audit should be had and sit"?—"12th of December. Item. Mr. Mayor appointed that an audit should be had for taking all such accounts.

Peter Starkye, John Abraham, Ralph W and "

Now

Now turn to the audit, page 161?—"Audit began 13th January, in the year of Queen Elizabeth, 20. Item. The said auditors Appendix, No. 12.

Thomas B , Town's Customer."

Page 128, Thomas B 's appointment?—"Item. The said auditor is clear with the town

nothing."

Is that audit signed by the auditors, or any of them?—Yes.

How many?—I cannot say; there are a number of signatures; part of them are of the auditors, seven or eight of them.

Seven of them?—Yes.

Those are mentioned in the order you read?—Yes.

Now look to the election of officers of 1594, page 457?—"Town's Customer, Peter Starkye; Hall Keeper, Richard Cross G is the Customer, Christopher Holden.

Audit, page 483?—"Accounts taken at the audit holden at the Common Hall of this town of Liverpool on Friday the 28th November, in the 38th year of the reign. *Imprimis,*

namely, for In-gate, Richard Cross, 9*l.* 14*s.* 10*d.*"

1672. Thomas Roe, Town's Customer, William G , Customer?—"Audit taken, 12th of January in the year of our Lord 1674, before James Jerom, Mayor

Thomas Roe, William G , late Bailiffs, discharged, and are now quit before us, James Jerom." Among others, Mr. Richmond is one.

Now, sir, without asking you to go through the books, I suppose my friend will allow me to put this question: Do you find in the annual appointment of officers, the appointment of a town customer?—Pretty generally; occasionally omitted.

Now will you look to the 5th book of your Records, page 323, the year 1710?—At a council held the 7th of May.

Appointing a king's customer their town customer?—At a council held the 7th of May, in the year of our Lord 1712, then elected Nathaniel Smith, town customer, upon the condition above.

Do you find Mr. Smith was afterwards continued a good many years in the office?—Yes.

Mr. *Serjeant Wilde.*—Read that again?—"Then elected Nathaniel Smith, esq., town's customer, on the conditions above."

Sir *James Scarlett.*—What are the conditions above?—It is also ordered, whoever is elected town customer shall give security, and pay the balance quarterly.

Mr. *Cresswell.*—Look to page 392; do you find any order about appointing a town treasurer?—At a council held the 1st day of August, "It is ordered, that a proper person be appointed town's treasurer, to manage the corporation affairs, and shall be subject to the order of council, giving good security for the performance of the duties in the penalty of 1,000*l.*;" and then in the marginal note, "Then elected Alderman Moorcroft treasurer upon those terms."

Mr. Serjeant *Wilde.*—The first is a resolution to appoint a treasurer?—Yes.

Mr. *Cresswell.*—Now, sir, do you find from that time there has been a treasurer regularly appointed?—Yes.

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Who has kept an account?—Yes, up to the present time.

The date of that entry?—1716.

Look to your sixth book, page 515, 1724, the entry of Mr. Richard Alder's appointment?—Mr. Richard Alder has an allowance of 1 *s.* in the pound for all he receives

due performance."

Now the 11th book, page 213, 1761; do you find Mr. Lawrance Spencer succeeded to Mr. Alder?—"At a council held the 3d of June 1761, it is now ordered that Lawrance Spencer, Esq.,

for the receipt thereof."

Now, in page 174, when Mr. Harner succeeded, the 12th book?—"At a Common Council held in the Council Chamber, it is ordered,

for execution of the said office."

Page 529?—"At a Common Council held on the 7th November 1787, ordered, Mr. James Clemans be and he is hereby appointed in the room of

the salary does not commence until next quarter day."

13th book, 1796?—"At a Common Council held on the 6th of July 1796, then elected and appointed,

Common Council of the town accordingly."

15th book, page 154?—"At a Council on the 7th of February 1821, then elected and appointed, Thomas Corrie, esq."

Mr. Corrie still holds the office?—Yes.

Sir *James Scarlett.*—Mr. Corrie has continued town's customer ever since?—Yes.

Mr. Serjeant *Wilde.*—Read the entry of Mr. Corrie's appointment?—"Then elected and appointed, Thomas Corrie, esq.,

18th October next."

That is the whole entry?—"And resolved, that the common seal be affixed to the appointment."

Mr. *Cresswell.*—We will take the list of treasurers that have been appointed in 1720, 6th book, page 427?—"At a Council held the 13th of October 1720, the Council do elect Mr. Peter

ordered to do."

Look

Look at page 457?—" At a Council on the 20th of March 1720, elected

any salary."

Now look to book 9, page 428, 1734?—" September 20th, 1734. It being now represented Mr. Henry T is desirous to quit

on his resignation, giving security."

Now look to the 11th book, page 138, 1759?—" 24th of December 1759; it is ordered that Mr. Edward Forbes be appointed treasurer, and account for all monies of the Corporation."

Page 145, you will find the appointment in the next year of Mr. Strong?—21st of April 1760: it is ordered Mr. Matthew Strong be appointed

terms and conditions."

Now will you look to 632 in that book; the appointment of Mr. Crosby?—At a " Common Council held on the 3d of November, it is ordered that John Crosby be elected

well and faithfully execute."

1789, in the 12th book, page 620?—" 5th of August 1789: Thomas Golight, esq., an alderman of the borough, is hereby unanimously elected treasurer."

1820, in the 15th book?—5th of July 1820: " Resolved, John D. Case, esq.

resigned."

Sir *James Scarlett*.—Mr. Case continues?—He does.

Turn back to the customers; one is appointed in 1818. Your Lordship finds that at the bottom of page 42, in the manuscript page 28, my Lord?—4th of November 1818.

Sir *James Scarlett*.—About that I should mention, that Runcorn is a place lying half way between Liverpool and Warrington, on the River Mersey, and from improvements made at Runcorn by the Duke of Bridgewater's Canal and the Mersey and Irwell Navigation, ships and vessels, it was supposed, would come up to Runcorn; in point of fact, they do, without stopping to discharge their cargoes at Liverpool; and Runcorn being a point within the port of Liverpool, is a point that is made of consequence.

The *Witness*.—1818: " Resolved also, Mr. E. be and he is hereby appointed

security required."

Mr. Nevitt is dead?—Yes.

And a successor has been appointed?—Yes; Mr. Richard Jones.

Cross-examined by Mr. Serjeant *Wilde*.

You have been reading some statements in a book called Audits?—Yes.

Pray have you read all the audits you have found in the book?—I believe I have.

There are no other audits of accounts?—Oh, yes; every year almost.

So I thought; I observe you have taken long intervals; you have passed over long intervals; in the intermediate times, I suppose, there are entries of a similar nature?—Sometimes a year or two escaped without any notice being taken of an audit.

How early do you find any entry of a town's customer; what is the earliest date?

Mr. *Cresswell*.—If you look to 1553, in the first book.

The *Foreman*.—Allow me to ask, whether those audits you read were after the appointment of the auditor, to show they acted on the appointment; was it not so?—Yes.

The *Lord Chief Justice*.—The earliest is 1553.

Sir *James Scarlett*.—We have selected those that were signed. We will have some others read now, if you please.

Mr. *Cresswell*.—I can assist you finding any.

Mr. Serjeant *Wilde*.—I understand you, in answer to a question which one of the gentlemen was so good as to put, whether you gave the earliest entry you find, of any entry after the appointment of auditors?—I believe they are.

To show they acted?—Yes.

Do I understand you that from that period downwards there have been similar entries?—Yes; occasionally signed, and occasionally not signed.

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Is that throughout the period, with probably the interval of a year now and then?—Occasionally there are omissions.

From the year you first gave, down to the present time; you were about to state whether you find a town's customer at an earlier period than any which you have given?

Mr. *Cresswell*.—In 1553, in a town's book, I believe the very first page, "When a person is appointed to collect." The first entry, I believe, in the book?—"It is condescended and agreed between Ralph S , mayor of Liverpool, that Thomas Moore," I fancy it is, "Richard Walker, Ralph Bayly, Nicholas , grant that Gilbert Gardiner shall take entry of all the ships, boats and merchandizes that shall pass and repass from the river of Mercy to all other ports, and that the said Gilbert shall make a true account and payment of the customs, and also for the town's customs in like manner, and that he shall use the same; he hath put in sureties for to see it that he shall do his duty, that is to deliver, or cause to be delivered to the owners of the said , and to pay all duties belonging to the King's customs, and also the town's customs, by the names of those who be sureties for Gilbert Gardiner."

I ask for the date; is there any date?—There is no date.

I merely ask the date of the first entry?—There is no date to that.

Without asking the date of that, what is the first date you find in the books to which you have referred; the earliest date?—The sixth year of the reign of our Sovereign Lord King Edward Sixth.

You have been reading the appointments now from that time downwards; do you find the entry of the town's customer?—With occasional omissions.

Do you recollect the length of the interval of any such omission?—No.

You do not know whether one, two, three or seven years?—No.

What is the longest period that you recollect the omission to appoint such a town customer?—I cannot say without referring.

You have found a great many more than you have read covering the period, I suppose?—During the period of audit.

I am quite at a different subject, the town's customer?—Yes, more election of town's customers.

A great many more than you have read?—Yes.

And the length of the interval you cannot give me?—No.

Re-examined by Sir *James Scarlett*.

My friend has asked about the audits; that is the earliest book?—Yes.

That is the oldest book you have in the possession of the corporation now?—Yes.

Do you find an audit in that book earlier?—I find mention made of an audit, but there is no audit in this book.

What is the date of it; the date when that mention is made; page 38 it is?—23d day of June 1558 is on the top of that page; that states, "At this date Mr. Mayor setting on the bench with Master Walker and the Bailiffs, it is accounted as hereafter inserted, that is to wit, Midsummer-eve, being the 23d of June 1558."

Read on a little more of that after the names?—"Then came Robert Moss with his book of accounts belonging to the custom, and made payment of 4 *l.* 15 *s.* 10 *d.* due to the chief rents, and also made payments of 33 *s.* 6 *d.* for the custom's book.

Lord Chief Justice.—What is the date?—1558.

Sir *James Scarlett*.—"Item. At this date Mr. Mayor."

Mr. Serjeant *Wilde*.—How is that evidence; it does not fall within any rule?

Sir *James Scarlett*.—You have asked if there were any other entries, and he has said there were.

Mr. Serjeant *Wilde*.—I wish to know whether you do read the whole or part; how that entitles you to be reading some other entries I do not know, applicable to a different subject.

Sir *James Scarlett*.—I apprehend you have no right to ask that; I do it to show there are audits at other periods, and we have selected only such as are signed.

Cross-examined by Mr. Serjeant *Wilde*.

What is your situation?—I am a clerk of the Committee of Common Council.

And have you anything to do with the receipt either of the town dues or the dock dues?—Nothing.

How many docks have you now at Liverpool?—That I cannot tell you; I have very seldom seen the docks.

How long have you lived in the town?—Since I was three years old.

Cannot you tell me something about the docks; never mind, there are several?—Several docks.

All the shipping that frequent the Port of Liverpool unload in the docks, do they not?—Not at all.

Where do the other vessels unload that do not unload in the docks?—Sometimes unload in the river.

In the open river?—Yes.

What description of vessels are those?—I cannot tell.

Are the goods taken into the docks which are unladen from the ships in the stream?—I should

I should presume they were; I cannot say; I have not been in the way of the merchandize for many years.

You do not know enough of the way the business is carried on at the docks to tell me whether the vessels that unload in the stream have the goods taken into the docks?—No.

Is it any particular description of cargo that is unladen in the stream?—I cannot say that.

Whether timber ships?—I cannot say that.

Possibly, having lived so long in the town, you may be able to tell me the nature of the shore in other ports; can any vessel come up so as to unload in any other port than the docks on the shore?—Yes.

What part could they unload?—To the north of the Clarence Dock; they can unload now on the north side of the Clarence Dock.

And have they always been able to unload there?—Yes, I should suppose so.

Have you been in the habit of seeing vessels unload there?—Occasionally limestone and coals; I do not know I ever saw anything else.

Are those vessels that take materials for building the docks, or are they vessels that unload articles for trade?—Discharge them for trade, I fancy.

Do you know?—What they discharge may have been for the docks; I have not noticed them; I very seldom now go on the shore.

Can you tell me whether you ever saw a vessel unload there, except taking out stone or other materials for work going on on the spot?—Yes, I have no doubt I have seen vessels discharge there.

What description of vessels?—Welsh sloops.

What was the tonnage of the sloop; can you tell me?—From 30 to 60, 70 or 80 tons.

What description of goods did they bring?—I fancy limestone and coal; I never examined them; I have seen them throw stones overboard.

Can you tell me what draught of water those places would afford for vessels that might have occasion to unload there?—I cannot tell.

Is it dry at low water?—Dry at low water.

What is the depth of water at high-tide?—I should fancy 20 feet, I do not know exactly, at spring-tides.

Am I to understand you to say this is a place commonly used for vessels to unload for the purpose of trade?—I have occasionally seen vessels at it.

But I ask you whether this is a place commonly used for vessels to unload their cargoes?—I cannot say that it is; I say that I have seen them occasionally, but I seldom go near the shore, therefore I cannot answer the question.

Have you seen any other description of goods unladen beyond what you state, coals, slate or stone? Have you seen any foreign produce, cotton or sugar?—Not directly from the vessel; I may have seen it on the shore.

Did you ever see a vessel discharge her cargo there?—I cannot say that I ever did.

These are near the Clarence Docks; pray what distance is it at which the vessels take out their goods? Is it near the shore, or at a considerable distance?—It is on the shore.

Is it on the shore that is covered with water at high-tide?—Yes.

How far does the water flow, think you, at high-water, covering the land over the spot where you speak of having seen goods put?—That I cannot pretend to answer.

Three or four hundred yards?—Oh, no.

No?—No.

How is it, a shelving shore?—It grows gradually deeper.

Now cannot you give me some idea from your acquaintance with the place, having lived so long, how much higher is high-water mark than the spot where you have seen these goods you speak of landed?—Perhaps it may be 150 yards; I cannot tell the extent; 150 yards, certainly; it may be 150 yards, but I cannot say.

No part of your duty leads you to interfere with the docks, or the business of the docks?—No.

Mr. *John Sudlow*, sworn; Examined by Mr. *Follett*.

I BELIEVE you are in the Treasurer's Office in Liverpool?—Yes.

Mr. Case, the treasurer, is not able to attend?—No.

From some domestic misfortune?—It is.

How long have you been in the treasurer's office?—Seventeen years.

Now, during the time you have been in the office, have the treasurers been in the habit of keeping a book of receipts and disbursements?—They have.

Have your books been shown to the officers of the corporation at different times, and audited?—Since my time they have been regularly audited every year.

Now do you find books of a similar description of former treasurers, going back?—Yes.

How far back?—The first receipt book in the treasurer's office is 1720, when Mr. Trafford was treasurer.

That is in the same form?—That is an account current book; there is no cash book extant kept at that day; it is supposed to be destroyed in the fire.

By the *Lord Chief Justice*.—When was that?—The fire was in 1795.

By Mr. *Follett*.—Is that one of the books you found in your office?—Yes.

That is in Mr. Trafford's time?—Yes.

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Turn to the first entry, 1720?—1720 to 1721; they go from October one year to October the following year.

You find in 1720 and 1721 receipts of customs there?—Yes.

Read the item?

Mr. Serjeant *Wilde*.—Is that signed by any auditors?

Mr. *Follett*.—Yes.

By the *Lord Chief Justice*.—Those books appear to be audited from time to time, do they?

Mr. *Follett*.—Yes, my Lord, they do.

Cross-examined by Mr. Serjeant *Wilde*.

Any signature of Mr. Trafford attached to it at all?—I think not.

Who are your auditors generally?—Five members of the common council.

By the *Lord Chief Justice*.—Are they always members of the common council?—They have been during my time.

You do not know, perhaps, at other times?

By Mr. *Follett*.—Do you know at other times whether those persons' names who appear from time to time were members of the common council?—Yes, these were; these, I believe, were members of the common council.

By the *Lord Chief Justice*.—I believe that each year in that book you find the different names signed at the end?—Yes.

By Mr. *Follett*.—They are brought now from the treasurer's office?—Yes.

The treasurer is usually a common councilman as well, is he not?—Yes.

Mr. Serjeant *Wilde*.—I apprehend, my Lord, whatever evidence may be given of Mr. Trafford's adoption of this, perhaps, by carrying the balance forwards——

Mr. *Follett*.—That is so.

Mr. Serjeant *Wilde*.—I say adopted by him?

Sir *James Scarlett*.—I apprehend this is a sufficient adoption; this is found in the office kept by Mr. Trafford.

Mr. Serjeant *Wilde*.—Mr. Trafford has been dead some years; you now find it in a certain office.

Sir *James Scarlett*.—Found in an office kept by the treasurer. Mr. Trafford appears to be the treasurer at the date there mentioned; a succession of books are found in that office by the treasurer last appointed, who goes there, and that book purports to be the treasurer's account of receipts by him, and appears to be submitted to an audit occasionally; I apprehend that is the same thing as if you were to search a merchant's books; they would be evidence against him; for the receipts, although he had not signed the book, if he signs the account current, it is evidence; if you examine the book kept by him, I apprehend that is evidence without his signing the book. The question here is, whether there is not reasonable evidence to show that this was the book, being found in the treasurer's office, to be the treasurer appearing to carry forwards from time to time the balance; it has been regularly audited by the officers of the corporation, and that practice continues to the present day.

The *Lord Chief Justice*.—Allow me to see it (*It was handed to his Lordship.*)

Sir *James Scarlett*.—It is not many months ago I had occasion to prove a similar fact; the evidence was received by Mr. Baron Gurney, who tried the cause; it was a case arising out of Hammersley's Bank; it was a banking concern, to which a party had succeeded; there was a change of the firm. The entry in that book, although not signed by Mr. Hammersley, was received as evidence of the transactions of the house for the purpose of showing they had accepted and paid bills drawn by a gentleman living abroad during the period which it stated.

Mr. Serjeant *Wilde*.—I do not apprehend the cases on which this is supported are at all analogous; an individual is of course bound by the books he keeps. If a merchant has books in his counting-house, they are his books, and entries made by his clerk are supposed to be made by his authority; the books are shown to be in his custody, and he must be taken to be cognisant of the contents. The whole question is not whether they are evidence against the treasurer, which must be the case to be analogous to the one my friend puts; the question is, whether this be shown to be the account of the treasurer. How is that done? This gentleman has been in the present office of the treasurer 17 or 18 years, and during that period a certain course has been pursued, and in that office this gentleman found certain books containing the signature of members of the corporation to these accounts; and for the purpose of sustaining a right on the part of the corporation, they propose to put in an account purporting to be the account of one member of the corporation, audited by another, without showing it is an account made out by the first member who is to be charged, or that it is even adopted by him, except the fact of its being found at this time in the office of the present treasurer, is to be taken to be evidence that Mr. Trafford also kept it in his office. This is not a book containing entries from time to time of transactions of the treasurer, which might then fairly be inferred to be a book kept in the course of business; this is nothing more than an extract, or purporting to be an extract from some other book; an account current, which might as well be made out by anybody else as himself. If the account had been kept by him so as to stand on the footing of a merchant's own book there would be no objection to it. What may have been the occasion of Hammersley's book being received I know not. Hammersley's taking credit of certain bills in their own favour must have had special circumstances to admit of that

that proof that do not appear to apply to the present case; whether that was to be evidence for or against Hammersley I cannot tell; my objection here is, there is not sufficient evidence to connect Mr. Trafford with that account, it not being the book in which his accounts appear to be kept.

The *Lord Chief Justice.*—There is no name of Trafford in the book.

Sir *James Scarlett.*—Yes, "Account Current, Mr. Henry Trafford, 1781."

The *Lord Chief Justice.*—He appears to have been treasurer at that time?

Sir *James Scarlett.*—It was his duty to keep that account. It appears that account has been audited; this is above 100 years ago.

Mr. *Cresswell.*—The signature of the auditor proves that was duly exhibited.

Sir *James Scarlett.*—"Examined this account with the original vouched; I do find the balance, 125*l.*, due to Mr. Henry Trafford."

Mr. Serjeant *Wilde.*—Somehow such an account got before Mr. Erle, and Mr. Erle has put his name.

By the *Lord Chief Justice.*—There are books of the same description going back to Trafford?—Yes, from the present time.

All the treasurers have kept the accounts in the same way, and so audited?—Similarly audited.

Has that been so during the 17 years you have been there?—It has, my Lord.

The *Lord Chief Justice.*—I think I must receive it.

The *Witness.*—March 25th 1721, "By received of Nathaniel Smith, Esq., in full of town's duty to this day, 8*l.* 2*s.* 3½*d.*"

Sir *James Scarlett.*—Nathaniel Smith was the town's customer.

The *Witness.*—"June 24th. By ditto of ditto. Ditto 123*l.* 8*s.* 3*d.* September 29th. By ditto of ditto, 175*l.* 13*s.* 5*d.* By ditto of ditto in part next quarter, 6*l.* 13*s.* 2*d.*"

Sir *James Scarlett.*—Turn to the next year if you please.

The *Lord Chief Justice.*—Have you an extract of this?

Mr. *Follett.*—My Lord, there is not.

Sir *James Scarlett.*—I believe I can give one. We do not wish to trouble your Lordship with the whole. You will see by the dates such as we read. I believe the first on that list is the year in question. That gives the results at the end of each year. Now read the next.

Examined by Sir *James Scarlett.*

I fancy we can shorten it, Mr. Sudlow. Did you make out from that book that abridgment of the whole account which was printed?—I did, sir.

Is that printed copy which I have tendered to my Lord the true copy of that which you made out?

There is the reference in this, in addition to the printed copy. This you have, refers to the particular folios where the whole appears?—Yes.

And that is from 1720 to what time?—1829.

And each of these then, or the whole together, contains the results of the examination of all the books?—It does, sir.

And contains the receipts of the treasurer in each year for the town's customs?—Yes.

Sir *James Scarlett.*—We have all the books here; with the Serjeant's leave that would save a great deal of trouble.

The *Lord Chief Justice.*—What is the meaning of these 10 columns?

Mr. *Cresswell.*—They are taken year by year.

Sir *James Scarlett.*—The first column, and carry on the eye, it takes the successive years; each little square is a year; if you want to take from five years to five years, you take it down this way, each year that way (*describing*).

Cross-examined by Mr. Serjeant *Wilde.*

Let me see the entries. I observe here "ingates and outgates" written here, and the word "tolls." Just let me see the first entries in that book.

Mr. *Follett.*—Just read the form.

The *Witness.*—This is the first year; September 29th, by ditto (that is, received of E. Longworth ditto, one year's rent for ingates and outgates, 20*l.*)

By Mr. *Follett.*—Read any other entry in that year with the name of the folios attached. Is that the form of all the entries in the year? Attend to the first entries of receipts.

March 25th, 1781. By received of Nathaniel Smith, Esq., in full town's duty to this day, 8*l.* 2*s.* 5½*d.*

Those ingates and outgates are a different source; what are they?—(*No answer.*)

Examined by Mr. Serjeant *Wilde.*

Be so good as to read the entries of that year as they are entered?—The entry I read before?

The several entries, in order that we may distinguish which are ingates and outgates?—The first is "by received leasehold rents for sundry houses in Derby-square, arrears of ditto; net year's rent of shambles to this day; by ditto shoemaker's standing; ditto for standing about the Exchange; ditto from the accidental butcher's renting stalls; fines for freemen; fines for leases; by bricks made this year of corporation clay; by quarterage received from

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sundry persons for liberty to trade." Then come the entries respecting the town: "By received of Nathaniel Smith, Esq., in full town's duty to this day, 8 *l.* by ditto of ditto, ditto; and by ditto of ditto in part of the next quarter; by ditto of Samuel Poole the year's rent of the tithes; by ditto of E. Longworth for ingates and outgates."

Who were the immediately preceding rates from?—Nathaniel Smith.

All the entries of receipts of Nathaniel Smith and receipts under the name of town dues?—Yes.

The year you have now before you is 1720?—1721.

And what is the amount received from E. Longworth?—£. 20.

Now, do I understand you that you having gone through these accounts, that these several amounts which are put under, which you have called town's customs, they are called town's dues?—They are called town's duties here; sometimes town's dues.

Do I understand these several sums you have put to each year, are sums which are entered in that book under the name of town's duties, or customs and tolls?—Yes.

You have put the words here, "town's custom and tolls;" read any entry of that year for receipts of tolls?—The tolls mean ingates and outgates.

I know you christen things; I want to see, if I adopt a paper, I adopt something in that book; have you any such thing as receipt under the word tolls in that year?—No, sir.

Re-examined by Sir *James Scarlett.*

We will take his manuscript; that is your manuscript; we put in the paper for explanation; we will give your Lordship the manuscript. That is exactly as you find it in the book?—Yes.

Mr. Serjeant *Wilde.*—My Lord, there is the entry in the book, "To paid Nathaniel Smith poundage for receiving town dues last quarter, 17 *l.*" The last entry but one, 17 *l.* 11 *s.* 6 *d.*

By Sir *James Scarlett.*—Do you know whether ingates and outgates meant the tolls of carts and waggons?—They do.

The *Lord Chief Justice.*—Of carts and waggons?

Sir *James Scarlett.*—Yes, my Lord. We have some of the old audits, my Lord, where they are put together; sometimes they are called tolls, and sometimes ingates and outgates.

This contains the distinction between town's dues and town's customs, and the ingates and outgates?—Yes.

Mr. Serjeant *Wilde.*—I thought that paper was a fac simile copy from the book. My object is, in letting that be read, merely for convenience to transfer from that book on the paper.

Sir *James Scarlett.*—Is it not so?

Mr. Serjeant *Wilde.*—No; it is quite plain it is not that.

The *Lord Chief Justice.*—Take any one year.

Mr. Serjeant *Wilde.*—I have taken one.

Examined by Mr. *Follett.*

Now turn to the first year, 1720, you have summed up the total?—Yes.

Now take the first entry, March 25th?—I have not got the dates here; I merely have the sum total.

What is the sum?—425 *l.* 2 *s.* 10½ *d.*

Mr. *Follett.*—If your Lordship observes the entries, "March 25th, received of Nathaniel Smith in full of town duty to this day, 8 *l.* 2 *s.* 3½ *d.*" Then "By ditto, ditto," and "By ditto, ditto:" those three sums.

By the *Lord Chief Justice.*—Wherever you have written such a sum as the amount of town duties, that is the amount of what the treasurer charges himself as having received from the collector of those duties?—It is, my Lord.

Mr. Serjeant *Wilde.*—I only want to know under what.

Mr. *Follett.*—In full of town duties to this day.

By Sir *James Scarlett.*—In the same year is there a different account of tolls?—£. 20 ingates and outgates.

From a different person?—Yes.

You make the sum in the next year 500 *l.* 15 *s.* 6 *d.*?—£. 500. 15 *s.* 6½ *d.* for town duties. "Net town duties received from Nathaniel Smith, Esq., the 24th of June, three quarters of a year, 316 *l.* 17 *s.* 11 *d.*; by ditto from ditto to this day 184 *l.* 7 *s.* 7½ *d.*: those two sums added together make that gross sum.

The *Lord Chief Justice.*—This printed paper puzzles me very much, for ingates and outgates is written opposite town's customs, and also opposite tolls; it can have no meaning as to town's customs.

Mr. *Cresswell.*—They are very often so entered in what we have read.

Mr. Serjeant *Wilde.*—Some of the audits mention both ingates and outgates.

The *Lord Chief Justice.*—It is quite unnecessary to put it for either according to this object.

Mr. *Follett.*—1723, sum total 563 *l.* 17 *s.* 4 *d.*; the entries there are three. "By net town duty half a year 172 *l.*; by ditto 24th of June, 168 *l.* 4 *s.* 1 *d.*; by ditto to the 29th of September, 186 *l.* 0 *s.* 9½ *d.*;" that makes the sum of 526 *l.* 16 *s.* 4 *d.* Then comes "Received from E. Langworth a year's rent of toll, 20 *l.*;" the next is 483 *l.*?

The *Witness.*—£. 483. 8 *s.* 3½ *d.*

Mr.

Mr. *Follett.*—There are four entries by net town duties September, being one quarter of a year, 91*l.* 12*s.* 3*d.* Appendix, No. 12.

The *Lord Chief Justice.*—It does not appear to me that you want any more; Mr. Sudlow has made that general result.

Sir *James Scarlett.*—By way of example we wish to show from 1720, by the treasurer's account, down to 1829, we bring it down; it goes by gradual degrees, increasing from the sum of 425*l.* 2*s.* 10½*d.* to 47,000*l.* We will hand that to my Lord. We shall show it corresponds with the increase of the trade of the town.

You have the book of the town's collectors yourself?—I have.

Mr. Lawrence Spencer, have you got his books?—These are the books of Receiver Lawrence Spencer (*producing them*).

Where do they come from, Mr. Sudlow?—From the treasurer's office; they are in the custody of the treasurer of the corporation.

Mr. Serjeant *Wilde.*—Where is the next book to this (the treasurer's book) in date?—(*It was handed to the Serjeant*).

Mr. *Brook*; Examined by Mr. *Follett.*

Did you know Mr. Lawrence Spencer, who was the town collector?—Yes.

Look at that book, will you. Is that the handwriting of Mr. Spencer?—Certainly.

Open them all, and look at them. You remember Mr. Spencer in the office of collector?—I was clerk to him as the collector of the customs when he was there, collector of the town dues.

Do you know Mr. Hamer?—I was clerk to him too.

Are Mr. Hamer's books there?—(*Another set of books were produced to the Witness*).

You say you were clerk also to Mr. Hamer?—I was clerk to Mr. Hamer as officer of the Customs; he was principal officer of the Customs, as well as collector of the town dues.

Confine yourself to Mr. Spencer. You say you were clerk to him as officer of the Customs, which he was, and town collector?—Certainly.

Have you seen him collect the town customs?—Very often, of course, in the course of the day.

When were they paid to him?—At his desk, at his official desk, as an officer of the Customs.

At the Customs?—Certainly.

They were paid, I suppose, when the parties came to enter the ships at the Customs?—When the entries for goods that were imported or exported, or carried coastwise, or brought coastwise, passed through his hands, he received at the same time that he passed the documents officially the town dues before he passed them officially.

Mr. *Sudlow* recalled; Examined by Mr. Serjeant *Wilde.*

This book, which is said to be the next book, is applicable to the same period?—This is an account current book, and that is a cash-book, and it may be so.

By Sir *James Scarlett.*—This is also a cash-book?—This is also a cash-book.

By Mr. Serjeant *Wilde.*—I asked for the next account-current book?—The account-current book goes down to 1782, and then there is an omission.

Mr. Serjeant *Wilde.*—This was a supposed audited account; it does not appear so. It stands on quite a different footing.

Mr. *Brooks*; Examined by Mr. *Follett.*

You say the town's customs were paid when the persons came to clear out or enter the ships?—Yes.

At that time was Mr. Spencer in the habit of making the entry when the sums were received?—At the time of receiving the money, I believe.

Did Mr. Hamer succeed Mr. Spencer in the office?—He was the next.

Did he also hold the same office in Her Majesty's Customs?—He did.

And you continued his clerk?—I did. Sat in the same office with him.

And was he in the habit of receiving the town's customs from the goods imported and exported in the same way as Mr. Spencer?—Exactly.

And paid to him, at the same time, on clearing out or entry of the goods in the Custom-house?—Yes.

And did he make the entries in the book which you have?—All, or most of it, is in his own handwriting, but that is merely a settlement with the treasurer; the receipt of the money is in his own haadwriting.

Did a person of the name of Clemens come after Mr. Hamer?—He did, some time afterwards; some months elapsed.

Did he hold the same office in the Customs also?—He did not; James Clemens was appointed receiver of the town's duties, but he was not an officer of the Customs.

You were not clerk to him?—I was not his clerk; his son was appointed afterwards an officer of the Customs a month or two, and I was his clerk.

The son's clerk?—Yes.

You have been a great number of years in the Customs at Liverpool?—Fifty-seven the next month.

Were you present when Clemens received the town duties?—I sat in the same office after the younger Clemens was appointed customer, that is, an officer of the Customs, for about 18 months, perhaps.

Appendix, No. 12.

Sat in the same office with whom?—Old Mr. Clemans; the old man, as soon as the son was appointed customer, came and took his seat in the same office; for the month or two he was there previous to the young man being appointed, he sat in another office.

Where you were not?—Where I was not. I believe it was a month or two.

When the son was appointed King's customer, he came to the Custom-house to sit, and there received the town duties?—Either him or the son received them, at the same time as the son passed the document officially.

You stated, he received it on goods that went out and goods that came it?—Goods outwards, or coastwise.

Or goods that were imported?—Imported or exported, or carried or brought coastwise.

Did Mr. Clemans also keep a book of receipts at that time?—I believe he did.

Do you know his handwriting?—I should know the old gentleman's handwriting, I think; but I had less acquaintance with what was going on at this time than before.

Is that one of Mr. Clemans' books?—These were Mr. Hamer's books; after Mr. Hamer's death there were some entries made by Mr. Richard Lowndes, who collected for a short period, who was senior clerk in that office.

Senior clerk at the Customs' Office?—Yes.

After Hamer's death, and before Clemans was appointed, Mr. Richard Lowndes, one of the clerks of the Custom-house, used to receive the town customs, and there are entries of his in that book, are there?—Yes; Mr. Hamer's writing terminates here.

Then you say it is Mr. Lowndes'?—(*No answer*).

Look at that book, and tell me if you believe that to be Mr. Clemans' handwriting?—No, that is Lowndes' writing; and here is some writing in the book which I believe to be James Rothwell's writing, who was the treasurer's clerk during the period of Mr. Hamer's sickness; they were not entered immediately into this book, but were entered afterwards into other papers. This is Richard Lowndes.

When does Mr. Clemans begin?—This I believe to be the writing of Thomas Rushton, who was clerk to James Clemans.

At the time that Clemans was collector?—At the time that Clemans was receiver of the town duties.

Look at the next?—(*The witness refers to another.*)—I believe that to be Rushton's writing still. That is the treasurer's writing. I believe that the gentleman who wrote this is in court, and let him speak to that.

That is a later book?—A much later book.

Is there no book of Mr. Clemans' here?—Not in Mr. Clemans' own handwriting, but in his collection. I believe this is the writing of Mr. Burley, whom I saw in court just now.

Now, during the time, Mr. Brooks, you were holding the office in the Customs, were the town's customs generally collected at the Custom-house?—They were never collected anywhere else since I knew the Custom-house.

Was there any table or plate of tolls hanging up?—There was a brass table hanging up in the receiver's office, on his left hand.

Is that the table?—That is the table (*referring to it*). That is the table that hung up in the customer's-office, by which he received the town dues.

How long do you recollect that there?—I went to the Custom-house on the 6th of April 1776.

And it was there then?—Yes.

The dues have been received by that from that time?—From that time to the present time, to my certain knowlege, for a great many years afterwards.

You went there first in 1776?—Yes.

The plate was then hanging up there?—Yes, on the left-hand side of the receiver.

How long do you know of the tolls being received according to that plate?—I presume to the present time.

How long do you know it?—From that period, and I beg to say I have not been conversant with the town duties for several of the later years; not so conversant as I was before.

When did you cease to know what town customs were received?—I removed out of the Customs-office, where the receipt was usually carried on, into an adjoining office, where I could have general observation, about 16 months; if it is necessary to be particular in dates I could refer to them; I have them with me; about 16 months after Mr. Clemans was appointed; after that period I knew less of them than before.

You then were in a room near?—Then I sat near.

About what year was Mr. Clemans appointed?—Mr. Clemans was appointed; I can give the exact date from memorandum made by myself.

Mr. *Cresswell*.—1787.

By Mr. *Follett*.—Now during the time you were in the Customs-office, you say they were received by that plate; did the persons pay the customers regular when they came, as they did the King's customers, when they came to enter in and out?—Constantly.

You have looked at those books, Mr. Brooks?—I have seen them before; I was examined under a commission.

The names entered in those books for receipts, are those the merchants of the town; you know the merchants of Liverpool?—Yes.

They contain the names of merchants?—The names of the merchants who either imported or exported merchandise.

You have yourself, occasionally for a day or so, received the customs?—Occasionally, but not for any length of time together; when I have gone to the customers' desk to pass entries

entries officially, I have received the town duties, and for perhaps two or three days, on the decease of Mr. Hamer, while Mr. Richard Lowndes was canvassing to succeed him, I received them myself; that was only two or three days.

I suppose, Mr. Brooks, from your office in the Customs, you know the extent of the port of Liverpool; the bounds of it?—The port of Liverpool extends from a place called the Red Noses, near the mouth of the River Dee, to the River Douglas in the Ribble, and all the shores of Lancashire and Cheshire, within those points and navigable waters. The Douglas falls into the Ribble at a considerable height up, and the officers of the Customs exercise jurisdiction from Liverpool to that point; goods wrecked or in any way landed there, the officers from Liverpool go to look after them.

How high up the Mersey?—Up as far as the goods can go, to Warrington Bridge, or further if goods are necessary to be landed there.

Mr. Brooks, do you recollect a Mr. Crosbie holding the office of collector of the town's customs?—Very well.

I believe he is dead, as well as these other persons you have been speaking of?—He is dead; he died about 1821.

Do you know his handwriting?—I think I should.

Do you believe that to be his handwriting—(*Handing a document to the Witness*)?—I believe this to be Mr. Crosbie's writing.

By Mr. *Follett*.—Mr. Crosbie was appointed in 1796, and continued in the office up to 1821?—I believe this is his writing.

By Mr. *Follett*.—The trade of Liverpool has very much increased since you were first in the Custom-house?—Most undoubtedly.

Have you got the Custom-house returns there?—I have got some abstract from what we call the annual accounts current, and I believe the other accounts current are here.

Of the King's customs?—Of the King's customs and remittances.

The accounts of what?—The accounts current of receipts and remittances of the customs and duties belonging to the Crown.

What do you mean by remittances?—Remittances to the Receiver-general; to the Exchequer, in other words.

What year is the first you have?—The first I have is 1733; I can find no books of an older date.

What is the sum there?—The net remittance was 35,106*l.* 14*s.* 6*d.* The next period I have down is 1750; net remittance, 58,907*l.* 5*s.* 3*d.* Shall I go through the whole periods.

Yes; the next?—The next is 1755, 49,561*l.* 0*s.* 8*d.*; these are at periods of five, six, or eight or ten years. The next period I have is 1760, 84,400*l.* 8*s.* 10*d.* The next period I have down is 1765, 70,364*l.* 2*s.* 11*d*; 1778, remittance, 72,907*s.* 18*s.* 11*d.*; 1775, 96,159*l.* 3*s.* 6*d.*, remittance; 1780, 108,648*l.* 4*s.* 2*d.*; 1785, 264,771*l.* 5*s.* 8*d.*; 1790 I cannot find; 1795, 250,462*l.* 16*s.* 1*d.*; rather a decrease there; that may be owing probably to the bonded system coming into operation.

Just at the breaking out of the war?—Yes; the war would have an effect on that.

And a great many failures at Liverpool?—I have not considered the point exactly. 1800, 734,320*l.* 12*s.* 6*d.*; 1805, 1,468,863*l.* 7*s.* 7*d.*; 1810, 2,347,409*l.* 10*s.* 1*d.*; 1815, 2,140,440*l.* 19*s.* 9*d.* Here I should observe, tobacco, coffee, and pepper were added to the Excise, and therefore the duty will not be in proportion. 1820, 1,269,115*l.* 1*s.* 10*d.* After the transfer of the coffee, tobacco, and pepper, to the Excise, 1824, 1,660,971*l.* 2*s.* 1*d.*; 1826, 2,896,535*l.* 5*s.* 11*d.*

By the *Lord Chief Justice*.—That is, in two years?—It is only the difference of two years. 1827, 3,113,384*l.* 12*s.* 3*d.*; 1828, 2,973,416*l.* 19*s.* 10*d.*; 1829, 3,123,758*l.* 8*s.* 10*d.*; 1830, 3,333,473*l.* 19*s.* 6*d.*; 1831, 3,381,584*l.* 19*s.* 7*d.*; 1832, 3,741,382*l.*

Sir *James Scarlett*.—I believe that exceeds the revenue from Scotland and Ireland put together?

The *Witness*.—I have the books here from which these abstracts are taken.

Sir *James Scarlett*.—That is the date of the earliest of those books. What is earliest of Mr. Spencer's books?

Mr. *Foster*.—They go regularly up from 1776.

Mr. *Follett*.—The earliest date is the 26th of May 1777; Mr. Crosbie, 1821.

Cross-examined by Mr. *Kelly*.

Mr. Brooks, in what year did you first become the clerk of any collector of Customs?—1776, March.

And who was that?—Mr. Spencer.

All that time, I understood you to say, the town dues were collected at the office of the King's Customs?—They were collected in the Custom-house by an officer of the Customs, who was also receiver of the town dues.

I am asking not as to the person, but the place; they were collected at the Custom-house?—Yes.

And that continued until Mr. Spencer was succeeded by another gentleman; what was his name?—Mr. Ainger succeeded him.

How long did he continue; there was a short interval, was there not, during which the same person did not collect both dues?

The *Lord Chief Justice*.—Yes.

By Mr. *Kelly*.—How long was that?—I do not apprehend the question.

Appendix, No. 12.

I mean the King's Customs; what you call the King's dues?—The King's Customs were not collected by the customer; they are collected in another office; but the customer was the principal officer of the Customs, as well as receiver of the town dues, and through whose hands all documents for landing or discharging of goods, both foreign and coastwise, passed.

I understood you to say, when the officer of the King's Customs had the accounts of entries and of clearing out, he then made his claim for the town dues?—Certainly, until the appointment of Alderman Clemans.

And then there was a short interval when that was not the case?—Alderman Clemans was in office about two months before his son was appointed customer.

As soon as his son was appointed to the office in the Customs, the alderman, who was then collector of the town dues, came and collected them at that place?—He came into the customer's office, that was his son's office; and then they were again collected in the usual manner.

He had nothing to do with the King's Customs, but the son being in the office he came and collected them there?—Certainly, he himself was not an officer of the Customs.

Do you remember, while you were clerk there, any instance of the person having to collect the town dues refusing to pass the King's entries until the dues were paid?—I remember that town dues were refused at one period, a short time before Mr. Clemans' death; I mean Mr. Hamer's death; perhaps a year, or perhaps two years, by certain persons who claimed an exemption.

I am not asking for long particulars; answer my question first. Do you know any instance or not in which persons having the collection of town dues refused to pass Custom-house entries of the King's Customs until those town dues should be paid?—Whenever the receiver was an officer of the Customs he never passed that document until he had received the town dues.

The officer of the King's Customs would not pass?

Mr. *Follett*.—He did not.

By Mr. *Kelly*.—Did you say, "did not" or "would not"?—Did not or would not; take the words as you gave them; they were never disputed, but what I was just going to name.

You say they did not, and would not until they were satisfied, The town dues; be good enough now to answer the question I before asked you; do you remember any instance in which they refused to pass the Custom-house entry until they were satisfied, the town dues?—Mr. Hamer certainly objected to passing the entries.

Until what?

The *Lord Chief Justice*.—Until they had paid the town dues.

By Mr. *Kelly*.—Have not you yourself done that?—For many years I took care that all documents were marked by the receiver of the town dues before they passed officially in the Customs.

If they came to you unmarked, did you send them back?—Yes.

Now, down to what period are you speaking as happening within your own knowledge?—After Mr. Clemans was no longer customer, all the documents that I am speaking of passed through my hands, until the 5th of January 1813.

Until when?—The 5th of January 1813; that is, from the 23d of from November 1798 to the 5th of January 1813, such documents passed through my hands as a clerk in the Custom-house.

When you were clerk in the Customs; you were clerk in the Customs, but you had nothing to do with the corporation, the town dues, at all?—Nothing at all.

Now, I believe you said the charges for these dues were made according to this brass table, which has been shown?—I did.

From 1776, down to when?—From 1776 to the present time, I believe.

I am asking you, of your own knowledge, where did this hang in 1776?—In the receiver of the town dues office, or officer of the Customs office.

Was it moved about from place to place?—It remained stationary as long as the receiver was customer.

Where?—On the left-hand side of the receiver, close to his hand.

In 1776?—It remained there many years.

How many years?—I can speak to its remaining there during Mr. Spencer's collection, and during the collection of Mr. Hamer, and I have seen it afterwards; I cannot say how long it remained afterwards.

Can you, within a year or two, name the last year down to which you will undertake to say it remained in that place?—I will undertake to say it was there until the appointment of old Alderman Clemans.

That was in 1787; is that so; it continued from 1776 to 1787; you will not positively speak to any later period?—The commencement of the year 1788.

By Sir *James Scarlett*.—Did it come back afterwards?—It came back when old Alderman Clemans moved into his son's office; but I lost sight of it when I went into the adjoining office, which was about 18 months afterwards.

Of your own knowledge you carry it down to 1787 in that place?—Yes, down to 1787, certainly; but I have seen it since; but I cannot pretend to say how long.

Now, were all the duties charged according to that table?—There might be goods that are not named in that table.

Then that table did not contain a perfect index to the duties to be charged?—That table does

does not contain an account of every article that can or may be imported, nor of all the articles that were included in the Act of Tonnage and Poundage, undoubtedly.

Let us keep to the table; do you mean that table was merely the table acted on as far as it went?—Certainly, as far as it went it was acted on.

Were there not as many articles out of your table as there were in it?—I cannot say that; I never counted the number of articles.

Were there not a great number not specified in that table?—Undoubtedly; there must be many articles of importation that are not in that table; but there are some general words.

Are there not as many as five times as many articles of merchandize?—I cannot say; I never counted the number of articles.

Without having counted, you can give me an idea from the length of time you lived there?—Upon my word I cannot; whether 500, 600 or 1,000, or only 100.

You say you sometimes received the dues yourself?—I have.

May I ask you what criterion you adopted, or what guide you resorted to, when there was any article of merchandize not specified in that table?—I would take the rate according to the package, and assimilate the rate as near as could be ascertained.

A rate corresponding with something in the table, exercising your own judgment on that, I suppose?—Certainly, the receiver would exercise his own judgment on that occasion.

Do you know whether the receiver does the same, that he exercises his own judgment, as to what he charges, when there is any species of merchandize not mentioned in the table?—I know nothing of the collection at present.

I am asking what passed at your time?—No goods passed without paying some town dues.

When the article was not specified in the table which has been spoken of, did the receiver then exercise his own judgment as to what he charged?—Certainly, with the consent of the parties paying.

Now, sir, whether they consented or no, would you have allowed articles to be cleared outwards or entered inwards, as it might be, until they were paid?—I should have objected to it.

Would you have allowed it to be entered inwards?—Ultimately, I might allow them to pass, not to detain the goods.

But you should have objected to it?—Yes.

Do you remember any instance in which ultimately you did allow when an objection was made?—I do not.

Have you never refused Mr. Bolton, the defendant in this action?—Oh, that is a very recent date; I was then acting as collector. Mr. Bolton waited on me; I was then acting as collector in the absence of the collector of the Customs; having nothing to do with the receiver of the town duties, he waited on me; he required the entries to pass without the signature of the receiver of the town dues.

Did you object?—Certainly; I allowed them to pass; I gave directions his entries should not be detained; that is as far back as May 1831.

Did you do that as a favour, or was it after an application to the comptroller you allowed them to pass?—I consulted with the comptroller.

This table ceased to hang up in the place you have mentioned; was there any other substituted for it?—I cannot say.

Now, when you speak of assimilating the packages one to the other, as well as possible, if merchandize came in a totally different package from any specified in that list, what did you do then?—It was hardly possible, I think.

Are there no different packages from those mentioned in the list?—It does not occur to me any moment that of any package not mentioned.

Take the article of cane-reeds; how would you assimilate that?—I so seldom received the town duties that I am hardly prepared to answer that; I must look at the table and see what I presumed would be the case; I only received the town dues in my own person for three days.

I understood you to say you had been present repeatedly?—Previous to May 1789, constantly.

Can you tell me whether any rule was adopted, either as to size, weight, or value, or any principle that was resorted to?—The package, or the value of some other similar article or package, was adopted as the rate.

Repeat your answer?—The package, or kind of goods, of some similar article or value, was adopted to fix the rate.

Having reference to the value, I think you say?—Probably to the value, probably to the package, probably to the goods.

You mention two or three different standards; do you mean all these were considered, or only one?—I presume they were, but, as I have observed before, I was not receiver of the town dues; I sat in the office, except in very short intervals, and therefore I cannot speak perhaps as distinctly as your question requires me.

However, this was managed by the collector for the time being?—By the collector and the payer.

Do you mean any more than payment was made by the payer?—He acquiesced, of course.

Do you mean he acquiesced by payment?—By payment.

Mr. *Kelly*.—The table is before your Lordship.

The *Lord Chief Justice*.—Would it not be better to have it read?

Sir *James Scarlett*.—Rather difficult at this light.

Appendix, No. 12.

The *Associate*.—(*Reading from the plate.*) "Bricks, 1,000, nothing inwards, 1 *d.* outwards."
Sir *James Scarlett*.—Is that an accurate copy?
The *Witness*.—Yes.
The *Associate*.—"Liverpool town duties. Ashes."

"Salt, Rock."

Sir *James Scarlett*.—If your Lordship will allow me to look, I will tell you exactly what the alteration is. My Lord, that is exactly as it is in the plate; the asterisks under the word "Salt," "White Salt, Rock" is added in this printed copy; they have put it in the right place; it was added in the plate after the plate was struck; the note at the bottom.

By Mr. *Kelly*.—Since the time you speak of, when you remember last to have seen that table, has there not been a variation in several of the articles?—I cannot speak to the receipt of the town dues after the appointment of Mr. Clemans, further than generally.

Whether there have been since that time variations or not, you do not know of your own knowledge?—I do not profess to know.

I see bricks are charged there 1 *d.* per thousand on exports; do you know of any charge to increase it to 4 *d.*?—I do not remember anything of the kind.

You have never charged 4 *d.* yourself on any kind of bricks?—I cannot charge my memory with an individual article in two or three days' collection so many years ago.

Who is the collector now?—Mr. Corrie.

How long has he been collector; 12 years?—He is here; 1821 he was appointed.

He is here?—I saw him in court.

Pray, sir, within the time you recollect, have ships unloaded in the docks?—I am not a quay officer.

You can tell where ships unload without being a quay officer?—Principally in the docks.

When you say principally, where else do any ships unload?—The sea-wall adjoining to the dock, which forms part, in fact; enclosing the strand; I have known ships to discharge on the sea-wall, which I would term the out-boundary of the docks.

I presume there are regular dock dues and dock charges for goods unloaded and shipped at the docks?—Undoubtedly; that is different.

How many docks are there?—I have not counted them over; there are two or three in progress now in building; I suppose seven or eight, perhaps more.

As the increase of commerce requires it, I suppose their number or size is increased?—It can scarcely keep pace with the increase of commerce, the increased dockage.

You have mentioned the limits of the port; are you speaking of the limits of the port for Custom-house purposes, or do you know anything of the ancient limits?—I have with me, I believe, a copy of some document which points them out, but I know it from practice.

It is from your knowledge in practice?—Yes.

Both on the Cheshire side and Lancashire side?—Yes.

It is to a considerable extent?—At the River Weaver and the River Mersey, being beyond the town, the space past the town and down to Red Noses, near the mouth of the River Dee, and the space on the town side up to the mouth of the River Douglas.

Can you tell me at all how far in point of distance it is from Douglas to Warrington Bridge?—No.

How far is it from Liverpool to Warrington Bridge?—By the sinuosity of the river.

By the river?—I should think it 25.

Sir *James Scarlett*.—Eighteen by the road.

By Mr. *Kelly*.—How far is it to Runcorn?—I think about 10 miles by the river to Runcorn.

How far is it to the Douglas?—I do not know that I can form an opinion from Liverpool to the turnpike-road; to the Douglas, to the mouth of the Douglas River, or the navigation, will be 24 or 25 miles.

It would be considerably more to go round by the water-side?—Most assuredly; 10 miles more, I should conceive.

How far is the Red Noses from Liverpool?—By land or water?

By water?—I suppose from 13 to 15 miles; perhaps not so much.

Then I understood you to say that all boats coming anywhere within those limits must be entered at the Liverpool Custom-house?—Certainly.

Re-examined by Mr. *Follett*.

You told my friend just now you never knew an instance of these tolls being disputed except on one occasion, which you were going to mention when he stopped you; what was that?—That was a London freeman resident in Liverpool who claimed to be exempt.

That was about the year 1799, was it not?—It was the latter end of Mr. Hamer's collection; he died in September 1787; perhaps it was continued afterwards, but it commenced during his election.

The trial was afterwards?—I was called on to be a witness to the refusal at that time.

You were called on?—By the receiver.

That was by one of the London freemen residen tin Liverpool?—The refusal was made by several of the London freemen; particularly Peter Freeland; I remember he stood prominent.

Except on that occasion, when the London freemen resident in Liverpool claimed to be exempted, you never heard of any one disputing the payment of these dues?—But them.

I believe on that occasion there was a trial respecting the right?

Mr.

Mr. Serjeant *Wilde*.—That is not the way.

Sir *James Scarlett*.—We shall put in the record.

By Mr. *Follett*.—There was a trial respecting the right?—Yes.

After that trial did the London freemen then resident in Liverpool pay the dues, as they had done before?

By the *Lord Chief Justice*.—Did Peter Freeland pay, himself?—I believe he did.

Do you know, as far as you know, whether after that trial London freemen resident at Liverpool paid the dues, as they had done before?—I believe all paid that were able to pay.

Did you hear after that trial of any refusal on the part of them to pay?—Not until the present occasion.

After that trial until the present, you never heard of any one refusing to pay these tolls?—No.

You say Mr. Bolton, the present defendant, about 18 months ago, told you he meant to dispute the payment?—He waited on me on the 22d of May, as representative of the collector, 1831.

1830. You then consulted the comptroller on the subject?—1830 it was.

You then consulted the comptroller on the subject, and his goods were allowed to pass the Customs without payment of the town dues?—Yes.

And have been since?—And have been since, for anything I know to the contrary.

The action is brought, and has been pending for some time?—Yes, it has.

Mr. *Sudlow*, re-called; Examined by Mr. *Follett*.

My friend, Mr. Serjeant Wilde, understood you to say the treasurer's books were in the same form as 1720; that is not so?—That is an account current book, these are cash books.

Is that the only current book?—The next begins 1797.

Between 1720 and 1797 the books are in a different form?—Cash books; that is a summary for the year.

The cash book contains the receipts from time to time?—Day by day.

That account current appears to be audited at the end of the year?—Yes.

Are those cash books also audited?—I think they are, most of them.

Turn to where you find these marks, and see whether they are not audited?—This ending in September 29, 1737, is allowed in account with the initials R. A. to it.

What is the entry?—"Allowed in account current, R. A."

Who was the treasurer at that time?—Mr. Poole.

Now turn to the other two places, the next paper?—

By the *Lord Chief Justice*.—What does R. A. mean?—Ending October 1741, the memorandum at the bottom is this, "Examined this cash book and find the same to be right, the balance due to the corporation being 414*l.* 1*s.* 3½*d.*, which said balance is transferred to folio 78 in this book. Witness our hand the 17th of May 1742. Signed B £. Richard K Richard Armistead, Henry Winslow, Joseph C Joseph Davis." This is ending October 1743: "Examined this cash book and found the same to be right, and balance due the corporation being 158*l.* 19*s.* 6½*d.*, which said balance is transferred to folio 109 in this cash book. Witness our hand this 15th of March 1744. Signed Joseph Davis, Richard Armistead, George Wilkinson and Edward Forbes."

Is that so from time to time in the different cash books up to 1797?—To the best of my knowledge.

In the accounts handed up to my Lord, did you take the receipts of the town customs from that cash book?—Yes.

The entries in that book are from day to day?—Transactions from day to day.

When you come to 1797 they are in the same form as 1720?—Yes, account currents.

Do they continue in the same form to this time?—Yes.

And are audited at the end of the year?—Audited at the end of the year.

This account of the expenditure of the corporation is from the treasurer's office, is it not?—It is, sir.

Have you got it there?—I have.

That is it, is it?—Yes, sir.

Put it in.

Mr. Serjeant *Wilde*.—Stop a bit.

By Mr. *F. Follett*.—Is that an account made out from the books in the treasurer's office of the expenditure?—It is.

By Mr. Serjeant *Wilde*.—Where; from the book in your office?—Yes.

By Mr. *F. Follett*.—That is a correct account?

By Mr. Serjeant *Wilde*.—A correct copy, or what; which do you mean?

By Mr. *F. Follett*.—The expenditure of the corporation?—Extracted from the books of the corporation.

Sums disbursed or entered by the treasurer?—Yes.

You have taken the receipts of the town customs from the book?—Yes.

And that is the account of the expenditure from that book?—Yes.

Can you turn to the receipts of the treasurer's books of arrears of town customs, of persons who refused on that occasion, of the City of London?

Mr. Serjeant *Wilde*.—Surely, my Lord, that cannot be evidence, some account in this book against some other person.

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Mr. *Follett.*—Receipts by the treasurer; whether he can turn to the receipts of these particular town customs that were in arrears.

Mr. Serjeant *Wilde.*—My Lord, I have not said anything about it; of course these accounts in the present treasurer's time, they are not evidence.

The *Lord Chief Justice.*—These are not the present treasurer's time; these are the time of the dispute.

Mr. *Follett.*—Some of the books in evidence; the question is the receipt of the arrears.

The *Lord Chief Justice.*—He has already said these who had refused, when the trial took place, had paid.

Sir *James Scarlett.*—We shall show the receipts from those persons by name of the arrears.

Mr. *Sudlow.*—The first date is 9th May 1799: Lalen, 29*l.* 8*s.* 3*d.* The title is "Cash for arrears of town duties."

By Mr. Serjeant *Wilde.*—Who is the treasurer?—Mr. Golightly.

What is the amount of arrears?—Mr. Lalen, 29*l.* 8*s.* 3*d.* July the 19th is J. C. H. Gambier, 242*l.* 13*s.* 6*d.* July 22d, John Thomas, 137*l.* 19*s.* 6*d.* The next is on the same day, John Wagner, 27*l.* 0*s.* 11*d.*

By the *Lord Chief Justice.*—Do these all appear to have been disputed on account of being Londoners?

Mr. *Follett.*—These are all arrears.

The *Lord Chief Justice.*—It does not follow on that account.

Sir *James Scarlett.*—The proof has been the town duties are received at the time of the entry, except in those cases when the objection was made as to London, and then we say this clearly could not be received at that time, because they are not arrears.

Mr. Serjeant *Wilde.*—As my friend says he means to put in the record, I have no objection to the fact being taken that the London freeman who claimed that exemption did pay arrears; I have no objection to the fact being so taken.

Cross-examined by Mr. Serjeant *Wilde.*

This paper which has been last spoken to, you say you have extracted from your book?—Yes.

I see the only date you give is since the year 1773. How have you got——

Mr. *Follett.*—That is only one item.

Pray, sir, what period of time is embraced by this?—From 1773 to 1829.

The corporation own very considerable estates in Liverpool, do they not?—They do.

What proportion of the existing town do you think they may be owners of; two-thirds or three-fourths?—I cannot speak.

As great a proportion as that, think you?—I cannot say.

Now, are they the landlords, the ground landlords, of most of the streets which have been opened, and widened, and improved?—No, they are not.

They have not purchased the land?—They have purchased them for the purpose of widening the streets, but they do not hold any property there, at least to a very trifling extent in some of the streets; for instance, in opening Lord-street, they had very little property there; I should question if they had any.

Pray how near have they any property to Lord-street?—Their property is in almost all parts of the town, sir.

How near to this particular part of the town, Lord-street?—They have no property of any extent very near; I think they may have a house here or there, of which they are the landlords.

Is that a leading street in Liverpool?—Lord-street?

Yes.—Yes.

How lately has any work been done there, any building; are they finished or carrying on, or how long finished?—It is finished now; one side they are widening; they are widening it on one side, and that is finished.

Have you got this account with each year, or have you drawn it out only since 1773?—That expenditure in Lord-street has taken place since 1826.

I am asking of this account generally?—It embraces the period from 1773. I have taken out the annual expenditure in each year.

You have extracted accounts of the annual expenditure?—Yes, and added them together.

This is the whole added together?—Yes.

Pray had the corporation some time ago a lawsuit about some river in the neighbourhood?—There was a lawsuit between the corporation and the Mersey and Irwell some time ago.

How long is that ago?—I cannot charge my memory exactly; I should think some three or four years ago.

Sir *James Scarlett.*—In the year 1827.

By Mr. Serjeant *Wilde.*—Pray now, without going into this account, are the expenses of that litigation somewhere or other in this account?—I cannot say without looking through it.

You have prepared it, have you not; it was a pretty heavy expenditure, was it not; it was a very large expenditure, was it not?—It was, sir.

And the corporation was unsuccessful on that occasion, were they not?—It is not included in that.

That you are quite clear of, are you?—Yes.

Have you anything to do with the dock dues?—No, sir.

Nothing

Nothing at all?—No.

The accounts don't pass at all or the monies?—No.

Mr. Serjeant *Wilde*.—My Lord, some of these years in the cash book do not appear to me to be audited at all, or to fall within.

Mr. *Follett*.—They are audited three or four years together.

Mr. Serjeant *Wilde*.—It will stand on the same foundation as the other.

Re-examined by Sir *James Scarlett*.

Perhaps you know, Mr. Sudlow, have the corporation expended these sums out of an annual revenue, or have they borrowed large sums of money in order to make the improvements mentioned here; have they borrowed a large sum of money?—They have, very large sums of money.

Do you know, speaking within the mark, to what extent they have borrowed money?—They have borrowed since the year 1820 I should think, as nearly as I can speak, about 450,000 *l.*

And they owed money before, did they not?—Yes, they owed money before.

A large sum before?—Their bond debt now is near as possible 800,000 *l.* within a few thousands.

Mr. Serjeant *Wilde*.—Do not take the bond debt.

By Sir *James Scarlett*. — Does the interest pass through the treasurer's hands?—Certainly.

Examined by Mr. Serjeant *Wilde*.

Pray, sir, what is the income of the corporation; have the corporation 50,000 *l.* a year of other property quite independent of what they claim by these tolls?—I should think not so much.

How much short?—Probably about 40,000 *l.*; it fluctuates.

And they are ground landlord of a very considerable portion?—Yes.

Mr. *Gladstone*, sworn; Examined by Sir *James Scarlett*.

I BELIEVE you are not a member of the Corporation of Liverpool?—I am not.

Have you been many years resident in Liverpool?—About 45 years I have been resident as a merchant there.

Allow me to ask, what I can very well answer myself, you have carried on trade to a very considerable extent?—Occasionally to a very considerable extent.

Have you imported very largely from all parts of the world to Liverpool?—From most all parts of the world.

And also exported?—And also exported.

And since you have known the town of Liverpool have you known the payment of these town's customs?—The town dues?

The town dues.—I have.

Have you paid them to a considerable amount annually?—On my own account, while I was a non-freemen, I paid them, not to a very considerable amount, but to an amount of some consequence.

For those persons whose goods you received who were not freemen?—I paid them in the same manner.

As far as you know, have the other merchants of Liverpool done the same thing?—As far as I know, with the exception of the period when the payment was suspended during the pending lawsuit between the Corporation of Liverpool and that of London.

I believe during that period, Mr. Gladstone, you yourself refused?—I refused to pay the town dues during the portion of that period as a freeman of London.

You being a freeman of London, found it was resisted on the part of the freemen of London; you joined in that?—I did.

After the trial was over did you pay up your arrears?—I did; I paid the arrears which had accumulated during the interval.

Now from that time to the present, until this dispute, have you known of any objection made to them?—I have known of no objection made that I was acquainted with, but from public rumour; a report that certain gentlemen were resisting the payment of the town dues.

Now, with reference to the value of the goods imported, and the amount of the duty imposed, do you, Mr. Gladstone, conceive this to be any burthen on the trade of Liverpool?—The town's duty on the goods exported and imported?

Yes.—In my opinion, and as far as my experience enables me to judge, I should say certainly not.

We have already had it proved sufficiently that the trade of Liverpool is very much increased; I wish to ask you, as a merchant acquainted with the fact, do you know of any place in the kingdom, or out of it, where the dispatch, and cheapness, and facilities are so great as in Liverpool, for unloading and loading those ships?—I believe the facility and dispatch of shipping at Liverpool, when it is necessary for the parties to avail themselves of the powers they possess, is exceedingly great, and not exceeded, I believe, by that of any other port in the kingdom, if equal; I am not aware that it is equalled.

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Are you aware of any particular instance of extraordinary dispatch in the loading and discharging a ship?—Not from my own experience; the nature of my business did not render it necessary; it was only from report that I was acquainted with facts of that description.

From the time that you first have been accustomed to pay these duties, do you know of any alteration being made in any of the rates and duties, except on two articles; do you know of any alteration made in the town's dues?—I am not aware of any. While doing business for myself, in a particular branch of it, in the Russian trade, the duty on tallow at that period was higher considerably than, I understand, it is now; but I have not been engaged in that trade since the duty was reduced.

By the *Lord Chief Justice.*—The town's duty?—The town's duty.

Do you know whether the corporation consented to diminish that duty on the application of the merchants?—I have so understood, but I was not one of the parties applying.

You know of no alteration at all?—

Mr. Serjeant *Wilde.*—Except as to two articles.

The *Lord Chief Justice.*—The question was put as to two articles; he did not answer that.

By Sir *James Scarlett.*—Do you know of your own knowledge of the reduction of tallow? I do not.

On all the articles you pay on, the duty has remained the same, for anything you know to the contrary?—For anything I know to the contrary; I am not in the habit of paying myself by my own person, but by my clerks.

Cross-examined by Mr. Serjeant *Wilde.*

Do these dues, Mr. Gladstone, amount to a considerable sum in the year to some of the merchants?—I believe to some of the more considerable merchants, particularly in certain branches of trade, they amount to a considerable sum.

£. 1,100 a year, or more, to individual houses?—I am not aware of the fact, but I can suppose, from what I see of the extent of their business, and the charge of the duty, that it will amount to a considerable sum; the extent I am not competent to speak to.

The commercial business at Liverpool is now conducted, is it not, by the vessels unloading in the docks?—It is, provided the docks are not so crowded as to render, when dispatch is called for, discharging more or less of their cargoes in the river, which is done in that case with the assistance of the craft.

Sometimes the docks are so full, vessels cannot be received, and are obliged to be discharged in the river?—I have known that to be the case, but not within my experience for a great number of years.

Do those vessels that do discharge in the river discharge their cargoes wholly in the river, or only a part?—I cannot speak to the fact; I should suppose only a part, because, if they were to discharge the whole, it would be necessary that they should take other cargo on board, or ballast in lieu of it, and that would not generally be a practicable measure.

Pray do you know whether merchants' ships unload at Liverpool anywhere else than either in the stream, under the circumstances you have mentioned, which you say has not occurred lately, or in the docks; are there any other landing-places?—Coasting vessels go up the river and discharge at Runcorn on the beach; some small coasting vessels loaded with limestone discharge immediately below the docks, and on the open shore.

Is that on a shelving shore?—Yes, moderately shelving; it does not deepen rapidly.

And the vessels take their limestone on board, or discharge it, whichever it is?—They discharge it.

At some distance, we understand, below high-water mark?—A very short distance.

Do they throw it on the beach?—They discharge while the tide is gone down; during ebb tide the carts come down and load what they can carry away conveniently, and the rest they throw overboard, and the carts return and take it, as suit their convenience.

Goods it does not matter the tide flowing over?—Limestone; I am not aware of anything but limestone.

Can you tell me what these town dues are on salt, which seems a considerable article?—I think the town dues on salt shipped foreign is 2*s.* 100 bushels.

Does it amount to 10 per cent. on the value?—Not to 10 per cent. on the present value; the present cost of common salt, I believe, is now 10*s.* or 11*s.* a ton; I have not been in the habit lately of shipping much salt, and therefore I should think about six or seven per cent. on the present price.

Has not salt very lately been 8*s.* a ton?—I know it has been very low, but I cannot speak to the particular prices.

And what are the dues?—Two shillings per 100 bushels, and therefore about 9*d.* a ton; rather more; 100 bushels is two tons and a half; 9½*d.* a ton.

Are you aware by what rule these dues are charged?—I know of no rule but the printed tables, which are in the possession generally of those who pay them.

Do you know an article lately imported called munjeet?—I know munjeet as an article, and I have also imported it from Bengal, a considerable quantity.

How does it come?—It comes both loose and in bags.

Does it come in bundles at all?—Yes; in bundles not covered with any particular package, and in bundles and bags.

How are the town dues charged on the munjeet in bundles?—I am not aware; being a freeman for the last 22 years, I do not pay the rate.

Pray

Pray may I ask how you were fortunate enough to get the freedom?—The members of the corporation thought I had on certain occasions rendered such service to the town as they were pleased to consider were of importance, and in consequence of it they presented me to my freedom.

Are there a considerable number of merchants at Liverpool who are members of the corporation, and who therefore do not pay these dues?—There are now a larger proportion of merchants than of late years; at present, I think, there is a greater proportion of merchants than formerly was the case. It was rather considered a grievance that so small a proportion of merchants were members of the corporation, and therefore the interest of the port was not immediately in the hands of those most interested in it; now that objection has been much altered.

And there are a considerable number now?—There are a considerable number of merchants now in the corporation.

Freemen?—They must be freemen, or cannot be members of the corporation.

You can tell me whether formerly persons could purchase their freedom of the corporation?—I am not aware of that fact; I have no recollection of any instance of it.

Of any person purchasing within your recollection; now it cannot be purchased?—I am not aware, but I believe it cannot. I have heard of no instance of the freedom being purchased.

During the time you have lived at Liverpool, you do not recollect any instance of freedom by purchase?—I have no remembrance of it.

Do you know all corn pays the same toll, whether wheat or oats, or any other description of grain?—I think the charge on corn is 1*s.* 4*d.* for 100 bushels.

On all descriptions?—I rather think on all descriptions; when manufactured, there is a different rate in some cases.

Do you know anything of the exportation of bricks?—I am a considerable exporter of bricks to the West Indies. I cannot say what the town duties is, because I do not pay it.

You have no memorandum of it; you do not happen to known the town dues are 4*d.* a thousand?—No.

Pray what is the value of munjeet?—Some 30 *s.* a cwt.

By the *Lord Chief Justice.*—What is the nature of it?—It is a dye wood.

Mr. Serjeant *Wilde.*—Is some of it as much as 70 *s.*?—The price has been irregular since its first importation, like almost every other article from India; fallen from 71 *s.* or 80 *s.* until it has got down to the price now, 20 *s.*

What are the weights of the bundles that come?—As clerks attend there, I cannot say.

Are they as small as three or four pounds?—I cannot say; some of them are very small; but I have not observed so particularly as to speak to that.

Eight or ten lbs.?—I was going to remark that bundles are put up for the convenience of the stowage of the ship, and they are articles that pay a very indifferent freight, and they are put in to suit other things; they are put up to suit convenience, and vary very much in size.

I am afraid you cannot tell me anything about the town dues on munjeet?—No.

You do not know on the smallest bundles that come what it is?—I am not in possession of any knowledge on the subject.

Re-examined by Sir *James Scarlett.*

What is the difference between fire-bricks and common bricks; the value?—The difference is considerable; I do not recollect exactly how much it is; but, to the best of my recollection, I should say three-fold. The one is three times the value of the other.

Mr. *John Oliver Jones,* sworn; Examined by Mr. *Pollock.*

Mr. Jones, do you produce our examined copy of the record in the dispute between Liverpool and London?—I do.

Did you examine that with the record?—I examined that with the original record.

The *Lord Chief Justice.*—You do not want it read.

Mr. Serjeant *Wilde.*—I merely wish the precise issue, which turned on the liability of the freemen, as freemen, to pay.

The *Lord Chief Justice.*—Any special pleading?

Mr. *Jones.*—It was an issue directed by the Court in October; a feigned issue. It was tried at bar.

Sir *James Scarlett.*—The action was brought on a bill for an injunction filed; an issue was directed by the Court of Exchequer. The issue is between the two corporations of Liverpool and London, and there it is said the mayor and commonalty of the city of London did assert and affirm that a person being free of the city of London, but not an inhabitant and householder and resident within the said city of London, is, as a freeman and citizen of the said city of London, entitled to the same liberty, privilege, or immunity of being himself and all his goods quit and free of and from all toll, passage, and lastage and other customs throughout the whole of the kingdom of England, and the ports of our Lord the King, except as to His Majesty's ancient due and custom of prisage of wines, which said assertion and affirmation of the mayor and commonalty of the city of London the said mayor and burgesses of the corporation of Liverpool denied. That is the first issue. Then the second issue, I presume, is more specific as to the town of Liverpool: That the said mayor and commonalty of London were entitled to the privilege and immunity, a free-

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man of the city of London, being himself and all his goods quit and free from all toll, passage, and lastage, and other customs throughout the whole kingdom of England, the ports of our Lord the King, except as to His Majesty's due and ancient custom of the prisage of wine; which said last-mentioned assertion the mayor and commonalty and citizens of London affirmed, and the corporation of Liverpool denied.

Mr. Serjeant *Wilde*.—I believe there is no issue but on the exemption.

Sir *James Scarlett*.—The issue is on the exemption.

The *Lord Chief Justice*.—It seems to be affirmed in that general way throughout.

Mr. Serjeant *Wilde*.—Merely on the exemption in two or three different forms.

Sir *James Scarlett*.—Read the verdict of the jury.

The *Lord Chief Justice*.—The jury say a person being free of the city of London, not being an inhabitant householder and resident in manner and form; and as to the second issue, that a person being free of the said city, but not an inhabitant and resident within it,
throughout the whole of the kingdom, and so on. There on the third issue, that the person being free of the city of London, but not a householder within the same, is not a freeman and citizen of the said city of London throughout the whole kingdom of England.

Have you got the proceedings in Chancery on which the issue originated?—The proceedings in the Exchequer.

By whom was the bill filed?—The bill was filed by the mayor and commonalty and citizens of the city of London, as to Peter Freeland, George B , Thomas R , John P , Richard S , James , freemen, and citizens of the city.

Mr. *Pollock*.—I suppose I may ask the substance of this without having it read; have you read that?—Yes.

What is the prayer of the bill; it is against the Corporation of Liverpool?—Yes, against the Corporation of Liverpool.

What is the prayer of the bill?

Mr. Serjeant *Wilde*.—The only point made is the point of exemption.

Is it respecting the exemption of these tolls at Liverpool?—It states them to be exempt from all tolls throughout the kingdom. It states the mayor of Liverpool charges them with toll; then they state a decree which had before been made in a suit between *Hames* and others, and they pray they may have the full benefit of the decree in the case of *Hames* against the Mayor of Liverpool perpetual injunction.

By Mr. *Pollock*.—The result was the issue to try that question?—The result of it was, it was confirmed by the Court.

Sir *James Scarlett*.—We hoped to have finished our case to-day, but that object is hardly to be expected; it is perhaps better your Lordship should not be detained any longer.

The *Lord Chief Justice*.—You think you cannot finish your evidence to-night.

Sir *James Scarlett*.—I think not.

The *Lord Chief Justice*.—You are the best judge to decide upon that.

Sir *James Scarlett*.—It is impossible to suppose we can come at a conclusion to-night.

The *Lord Chief Justice*.—What are you going to next?

Mr. *Pollock*.—The parol evidence. There is a very old gentleman we wish to get rid of to-night.

The *Lord Chief Justice*.—I think it is better to take that evidence to-morrow. Perhaps this is as good a time as any to break off.

(To the Jury.)—You will not mention this case to anybody.

[Adjourned till To-morrow.

In the Queen's Bench. 15th February 1833.

The MAYOR and CORPORATION of LIVERPOOL *v.* BOLTON.

Tried before Lord Chief Justice Denman and a Special Jury.

Second Day.

Mr. *Garstin Bradstock*, sworn; Examined by Sir *James Scarlett*.

Q. What age are you?—In my 83d year.

Were you formerly in business in Liverpool?—Yes.

I believe you have retired from business some time?—I have.

Do you recollect Mr. Calcot being a collector for the customs at Liverpool?—Yes, very well.

How long ago; do you recollect?—The first of my recollection is to the year 1763.

Was Mr. Atkinson his clerk?—I know that Mr. Atkinson was clerk to him, and I wrote for Mr. Atkinson.

Who was the receiver of the town dues at that time?—Mr. Lawrence Spencer.

Was he also the deputy customer of the King's customs?—He was.

At

At the same time?—He was.

At the same time that he received the King's customs?—Yes.

Had he an office in the Custom-house?—Yes.

By *Lord Chief Justice.*—A room?—Yes.

By Sir *James Scarlett*?—Do you recollect any table or list of town dues?—Perfectly; there was a table at his elbow for general inspection.

Was that the table by which the amount of dues was collected?—I always understood so.

How long did you continue there?—Five years.

Was Mr. Spencer the receiver of the town's customs during that time?—He was.

Now when there was any doubt as to the payment of the town's customs, what was referred to in order to ascertain what was to be paid?—I never remember any dispute.

By *Lord Chief Justice.*—You do not remember any dispute?—Never.

By Sir *James Scarlett.*—Do you know what Mr. Spencer referred to, when he charged the customs; what he went by?—By the table, I imagine, that was close to his elbow.

By *Lord Chief Justice.*—You said you always understood they were collected by that table; did you ever see him refer to it for the amount?—I cannot say that he did; it was always at his elbow.

By Sir *James Scarlett.*—I believe you were afterwards clerk to Messrs. Venables and Dixon?—Venables, Dixon and Starkie.

Were they wine merchants in Liverpool?—They were.

How long were you with them?—About five years.

Were they merchants in the town of Liverpool?—They were.

Dealing in foreign matters?—In the wine trade; importers of wine.

Now during the time you were with them, did you transact the Custom-house business for them?—Always.

They were importers of wine?—They were.

Do you recollect the duty you used to pay for the wine imported?—As far as I can recollect it was 1*s.* a pipe inward.

How much outward?—I think half.

Did they also import sugar from the West Indies?—They did.

From Jamaica?—From Jamaica.

Do you recollect how much was paid on every hogshead of sugar imported?—As far as my recollection goes, it was 6*d.* a hogshead, 3*d.* a tierce, and 2*d.* a barrel.

Have you a correct recollection, Mr. Bradstock, what you did pay a hogshead?—Tha is as near as I can recollect: I think it was so.

What was the proportion between what was paid, between what was imported and exported?—I think it was generally one-half as much.

Half as much for the export?—Yes.

I think you were five or six years with those gentlemen?—Yes.

Were you afterwards clerk to Mr. John Backhouse?—Yes.

I believe he was a Virginia merchant?—Yes, to a considerable extent; he had three vessels.

By *Lord Chief Justice.*—Three vessels in that trade?—Yes.

By Sir *James Scarlett.*—Did he import considerable quantities of tobacco?—About 1,400 hogsheads of tobacco.

Did you pay the town duties for that?—No.

Had you the means of knowing what was paid by the hogshead?—Not particularly.

Do you know of any freemen who were exempted from paying town dues?—I always understood the freemen of London, and an inhabitant of London was free, and an inhabitant of Bristol was free; residing at Bristol was free, and an inhabitant of Wexford in Ireland and Waterford in Ireland; resident at those different places were free.

Was that generally understood?—I believe it was.

Do you know of any change as to the charges of amount in duties?—I do not.

Have you known any refusal to pay town duties, or any dispute on the subject?—I never did.

By a *Juryman.*—Did you say frequently?—No, I never did.

Mr. *Arnold Harrison,* sworn; Examined by Mr. *Pollock.*

Mr. Harrison, I believe you are a partner in the house of Harrison & Latham, of Liverpool?—I am.

Merchants?—Yes.

How many years have you been in business?—Thirty-one.

Now, during all that time have the town dues been paid on articles imported and exported?—They have.

From the port of Liverpool or into the port of Liverpool?—From the port of Liverpool and into the port of Liverpool.

What exception has there been, within your knowledge, with respect to individuals?—I do not know of any; I speak only of my own; I do not know of any other.

Are you a freeman of Liverpool?—I am not a freeman.

By *Lord Chief Justice.*—None of the partners were, I suppose?—None of the partners.

By Mr. *Pollock.*—Has your house been engaged in different commercial pursuits?—They were

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were originally in the Portugal trade, but when the Royal family of Portugal went over to Brazil then we went into the Brazil trade.

Has the town dues been paid on all articles?—On all articles.

Have either you or your correspondents abroad, to whom you consigned goods, or any other person, ever complained of those dues?—They have not.

Now, with reference to the accommodation afforded by the port of Liverpool, and the conveniences to be met with there, do you consider these dues at all burthensome?—No, we do not.

I do not know whether you are able to compare the facilities and expedition at Liverpool with that of any other port?—I am not. I should mention that perhaps merchants in our trade pay less town dues than almost any other, for we are not enabled to bring back in produce more than one-fifth of the amount we export, consequently, the town dues are lost on the other four-fifths.

Cross-examined by Mr. Serjeant *Wilde*.

Is your house principally in the commission trade; commission merchants?—It is.

The business of Liverpool is now carried on in the docks, loading and unloading, is it not?—Almost entirely.

Then the facilities you spoke of are in the conduct of the business of the docks, where the ships are laden and unladen?—Yes.

And that is conducted by the Dock Company, is it not?—It is.

Do you know whether the dock dues amount to 200,000 *l.* a year for that accommodation?—I do not know whether they amount to so much.

Do you happen to know whether the docks were built upon money raised upon security of the tolls, or whether the corporation paid a shilling towards it, or pay a shilling for their support?—I do not know whether they pay a shilling for their support; I believe they have been principally built on the money borrowed on the tolls.

Do you know of their paying one sixpence out of this 200,000 *l.* a year for that accommodation of the docks?—Yes.

The tolls you refer to as to the money being raised on, I presume, is the tolls of the docks?—Yes.

Be so good as to tell me, Mr. Harrison, the articles you import, just that I may not trouble you with unnecessary questions on others?—It is almost entirely on cotton and hides; sugar and coffees are the great production of Brazil; those we cannot bring on account of the protecting duty.

How is the payment made of the town dues for cotton; is it per bag?—I think it is a penny per bag.

Is it a penny or two-pence?—I am in doubt.

Just recollect, will you?—I believe it is two-pence.

What is the usual weight of a bag of cotton?—The usual weight of our bags of cotton is about 180 lbs.

Do you know the weight of an American bag of cotton; is that about the same, or does it much vary?—It is more.

Does it much vary?—Almost, but not quite double.

North America?—North America.

Is it the same toll on both?—I believe it is. I am not sure. I cannot speak distinctly of that.

Pray the hides, how are they paid?—I am rather uncertain; but I think it is a penny per hide.

Are you acquainted with the general rate of the town dues, that I may not trouble you unnecessarily, or not; from your mode of answering, I infer you have not much personal knowledge of the amount of town dues on other articles than those in which you deal?—No; not much.

Do you happen to know whether there is a great variety of articles that pay so much per ton?—No; I do not know that.

Or by the hundredweight?—I should think there are; but I really do not know.

Lord Chief Justice.—Do not those appear on the brass plate, or any list?

Mr. Serjeant *Wilde.*—Not sufficiently; because there is in truth another list than that, much more extended.

Do you happen to know this, the town dues claimed on articles that are charged by weight or by number, differs upon different articles?—I do not.

A ton of one thing is charged more than a ton of another?—That I do not know.

Re-examined by Mr. *Pollock*.

You say that the docks have been built on money borrowed on the dock dues or tolls?—Yes.

Allow me to ask you, sir, whether the town of Liverpool has been improved at all within the last 10 or 15 years?—Oh! very much.

Mr. Serjeant *Wilde.*—I admit, and most extensively, both in churches, baths, and libraries, very much; and built for the corporation; not a penny on the port.

Are those the only improvements?—Oh! dear no; a great widening of the streets.

Mr.

Mr. *Pollock*.—My friend admits the churches, and baths, and libraries.

The *Witness*.—A great widening of the streets, which has been done at an immense expense.

Q. Is that any convenience or no convenience to the port?—*A*. Very great convenience.

You can hardly form any notion of the expense that has been laid out; I do not mean in libraries, and baths, and things of that sort, but substantial improvements of the town, available for the convenience of the merchants who frequent the place?—I do not.

Has it been considerable?—Oh, it has been very great.

Mr. *Bradstock*, recalled; and Examined by *Lord Chief Justice*.

Q. You spoke of a table Mr. Spencer used to have at his elbow: what was it made of?—*A*. I cannot immediately say what it was made of, but I am almost convinced that it was a brass table.

Do you think it was the same table that appeared there afterwards?—I have no reason to think otherwise, but I never examined it.

Was it a brass table; are you quite sure of that?—I think it was a brass table.

Was it hung up on the wall, or fastened, or what?—Hung up on the wall, at Mr. Spencer's elbow. Mr. Spencer stood here, and the table hung here (*the Witness describing*).

He stood at the desk?—Yes.

The *Foreman*.—The Corporation of Liverpool considered they were entitled to these fees before the docks were built?—Of course.

Do you remember the building of the docks?—All but two; Salter's Dock, the Old Dock, and George's Dock; George's Dock and Salter's Dock were before my time.

By the *Foreman*.—Are ships compelled to go in, whether they like it or not?—Yes.

By Mr. *Pollock*.—Are they compelled to go in, whether they like it or not; are ships obliged to go into the dock whether they like it or not?—I think they do it for the convenience of the owner.

Mr. Serjeant *Wilde*.—Will your Lordship ask whether they pay dock dues, whether they go into the dock or not?

By *Lord Chief Justice*.—Do you know whether those that do not go into the dock pay dock dues?—I always understood that they did pay; every arrival paid dock dues.

Sir *James Scarlett*.—That depends on the form of the Act of Parliament.

Mr. Serjeant *Wilde*.—The fact does not.

By Sir *James Scarlett*.—Do you remember whether the Corporation built the first dock?—I do not.

By Mr. *Serjeant Wilde*.—Queen Anne's Dock?—There is the Old Dock and Salter's Dock; George's Dock I remember being built, and all the rest, I think. When I was in the Custom-house I drew up the invoices, and we could never take those invoices without the dock dues.

Mr. *James Gibball*, sworn; and Examined by Sir *James Scarlett*.

Q. I believe, Mr. Gibball, you are at present a clerk in the Customs?—*A*. Yes, I am.

Have you been long in Liverpool?—I was born in Liverpool.

Were you ever clerk to Mr. Clements, who was the town's customer?—No; but I was to his son, the customer.

To whom did you say you were clerk?—To Thomas Corder Clements, the customer of the port of Liverpool.

He was the son of Mr. James Clements?—The son of Mr. James Clements, the receiver of the town dues.

He was the receiver of the town dues?—Yes.

Did you sometimes receive them on account of Mr. Clements?—I did, sir, occasionally.

At his request?—At his request.

How many years ago is it?—Why I went there in the year 1788; a few years after that I undertook to assist.

Do you recollect how many docks were at that time built?—There was the George's Dock, the Old Dock, the Duke's Dock, as it was then called.

Was it then called the Duke's Dock?—There was then what has been done away with subsequently, the Duke of Bridgewater's Dock.

A private dock?—Yes, the George's Dock.

Was the George's Dock built when you first remember it?—Oh, yes; and Salter's Dock.

Do you remember Thomas Rushton being clerk to Mr. Clements?—Yes; a clerk to James Clements the receiver.

He has been dead some years?—We have been given to understand so; he has not been visible for some years.

Do you remember the brass plate?—Perfectly well.

Where was that brass plate when you first remember it?—It hung up to the left hand of Mr. Thomas Corder Clements, the left hand on the wall.

Was there also a book kept in the office?—What kind of a book do you mean; a book of rates?

Yes?—Yes, there was, sir.

Have the kindness to look at that (*handing to the Witness a long red book*); is that the book?—This is the book in my handwriting, copied from the one that was previously there; it was nearly worn out with use.

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Explain to us the character of that book; what was it?—It is the book of rates for the import and export of goods.

Is that a copy of the brass plate?—As far as the brass table goes, but continued afterwards as various goods were imported from different countries or in different states.

Various goods which had not been imported formerly?—Yes; at the time of the existence of that plate.

Can you tell us in what way the rates of those goods which were imported for the first time, how they were settled and adjusted?—Why, sir, when I came there Mr. Clements had been there some time, and perhaps his predecessors had had it from that plate, and I found their books of rates there, which afterwards were very little added to, and therefore I merely copied from those in existence.

You found a book there, and you copied from that in existence?—Yes.

Do you know yourself of any additions made of any new article imported for the first time?—Yes; I think I may refer to one during the time I was there; the article of tanners' waste began to be imported from Ireland.

That was a new article?—I was present during the agreement with the importer and the receiver at what rate it should be fixed, and that was 3 *d.* a ton.

An article sold by weight, was it?—I suppose so, it came in bulk.

It being a new article?—It being a new article they cogitated and fixed the rate at 3*d.*, and I can state, if necessary, the person who imported it. Francis O'Neal was the first who began to import it.

Was it afterwards imported more largely?—Oh yes, to this day I suppose.

Was that payment made afterwards?—Yes.

Without dispute?—Never any dispute about it.

In the table, I observe, that was read yesterday, some articles are charged by the ton, some by the package?—Yes.

Now I believe you know that cotton used to be imported in bags?—It was, sir, at that time from Portugal, chiefly.

Chief Justice Denman.—Came from Brazil to Portugal, and then to Liverpool.

By Sir *James Scarlett.*—Now, is there any other mode of importing cotton now?—They are called bales, or bags.

Is there such a thing as a pocket?—I don't remember that; formerly there used to be, some years ago; I have seen that denomination.

A pocket was smaller than a bag, was it not?—Yes, it was smaller than a bag.

Is it ever imported by the seron?—The seron, I have seen that too.

Was the seron smaller than the bag?—Smaller than the bag.

When it was smaller than the bag was there a diminution in the duty?—It would be less rated; at 1½*d.*

And the bag was 3*d.*?—Yes, and the bag was 1½*d.*

Do you remember the trial of that case in the Court of Exchequer?—I do, sir, well; the trial I do not, but preparatory to the trial.

Do you remember being in town at the late Mr. Henry Brown's?—Yes.

Do you know whether, after that trial, payment was made by the merchants who before suspended their payments?—I only know it by seeing a minute entered in the book; it was after my time.

Mr. Serjeant *Wilde.*—I admitted the fact yesterday.

By Sir *James Scarlett.*—Do you recollect an instance of a man refusing the town dues on some cattle from Ireland?—I do.

When was that?—As to the year I cannot say.

About how long ago?—About 1794 or '93.

The duty on cattle is 1*d.* a head?—Yes.

Mr. Serjeant *Wilde.*—By the brass plate?

Sir *James Scarlett.*—I cannot remember all the contents of the brass plate.

Witness.—I think it is not in the brass plate; the hides are, but not the cattle.

Sir *James Scarlett.*—When the brass plate was made probably no cattle were imported from Ireland.

Mr. Serjeant *Wilde.*—Very likely not.

Witness.—There is a rate of 1*d.* per head; it did not say whether they were living or dead.

Do you remember one of the cattle being distrained in consequence?—I do; I was present at it and assisted in driving it into security.

Was the duty afterwards paid?—Immediately.

By *Chief Justice Denman.*—How came it to be paid?—By making a distraint on the cattle; one out of 40 or 50. I forget the number exactly; he came forwards and paid.

By Sir *James Scarlett.*—I believe you have seen the list of articles for which Mr. Bolton has refused to pay?—I have.

Sir *James Scarlett.*—Is there any dispute about that?—Yes.

(A paper was handed to the Witness.)

Witness.—I can speak to this.

Sir *James Scarlett.*—We shall show by and by those are the articles with which we charge the Defendant.

Have you examined them all, I do not wish you to go through that now, I had expected you had done it before; I was told you did?—I have seen the different rates which were attached to the merchandize: but I cannot speak to this.

Who showed you the paper that you saw?—I saw it at the town clerk's office.

Who was present?—The late Mr. Statham.

Sir

Sir *James Scarlett*.—Mr. Statham has unfortunately died, my Lord, since the trial has been pending. Appendix, No. 12.

Chief Justice *Denman*.—Is that a matter of dispute at all?

Mr. Serjeant *Wilde*.—It requires to be proved.

Sir *James Scarlett*.—I have the means of proving it; the articles charged are the duties that have been paid ever since he remembers; that is what I am going to prove; I have the means of proving it.

Are those the prices paid on the goods as long as you can remember, what you see there?—They are, sir.

Leave that on the table; that is merely a copy of the bill of particulars which has been printed; I shall show by other evidence those are the articles demanded which he refused to pay; the charges are the ancient duties as far as you remember?—They are.

Do you know Frodsham?—Yes, I do.

Whereabouts is Frodsham?—It is to the south of the River Mersey, above Runcorn.

Near to Warrington?—Near to Warrington. The Port of Liverpool extends beyond Warrington Bridge. We always understood so.

Have you known of any slate being laden at Frodsham?—Slate I know has been laden there; I have entered it.

Do you know whether that paid the dues?—It did.

How many years ago is that?—1795 or 1794.

You went there?—I was desired to go there to watch a vessel that was expected to avoid the duties.

But she entered and paid the duties?—Paid before she left the port.

Paid the town duty?—Yes.

Do you know of any slate being shipped at Frodsham?—I do not.

I believe there has been an article or two imported since your time; new articles of trade?—Oh, there are many; many since the opening of the India trade with Liverpool.

I believe since the opening of the India trade, a quantity of saltpetre comes from the East Indies?—Direct now.

Formerly it used to come from London?—Yes.

What was paid a bag for saltpetre when it came from London?—I think 1*d*. a bag.

By Chief Justice *Denman*.—It pays the same now?—The same now, I believe.

Chief Justice *Denman*.—It makes no difference, I suppose, where it comes from.

By Mr. Serjeant *Wilde*.—Is it the same now?—I believe so.

Do you know?—I have not made inquiry.

By Sir *James Scarlett*.—It paid a penny a bag when you remember it?—Yes.

Cross-examined by Mr. *Kelly*.

How long is it since you went to Frodsham on the occasion you mentioned?—I think I just mentioned 1794 or 1795.

Did you go there and claim the King's Customs?—No; I merely went to watch a vessel to see whether she did leave port without properly complying.

You were in the Custom-house at the time?—In the Custom-house.

And you went in that capacity?—No; I went not for the Customs, but for the town dues, or the town's customs you may call it.

And where was this vessel?—At Frodsham.

Tell me how you came to go; how came you to go there?—By order of my master.

Who do you call your master?—Thomas Corder Clements, son of James Clements.

Was he an officer of the Customs?—James was not, Thomas was.

By whose order did you go, James's or Thomas's?—James's.

Was he an officer of the Customs?—He was not.

Were you his clerk?—I was not; I was apprenticed to his son, Thomas Corder Clements.

Were you at that time a clerk, or did you hold any office in the Customs?—I was apprenticed to Thomas Corder Clements.

Who was an officer of the Customs?—I could not be called an officer of the Customs; my master was.

Tell me what you had to do with the town dues at that time?—Thomas Corder Clements received them for his father.

Thomas Corder Clements was in the Customs?—He was.

He received those dues for his father?—Yes.

And you, being an apprentice to him, he sent you on this business?—Yes, jointly ordered by both.

For what were you his apprentice?—To gain my freedom was the object.

In what trade; what were you to learn?—The duties of the Customs.

By Chief Justice *Denman*.—You were then younger?—Yes.

By Mr. *Kelly*.—You were his apprentice for the purpose of gaining your freedom?—And learning my duty in the Customs.

Is it usual for people to become apprentices to learn their duty in the King's Customs?—I have known several instances of it.

In Liverpool?—In Liverpool; I had myself an apprentice.

Has not that been invariably for the purpose of gaining their freedom?—I do not know that it was; it was not with my own case, because I was learning my duty in the Customs, in which I now am.

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Do you mean to swear that was the object, and not to become free of Liverpool?—I dare say not; conjointly you may call it, if you please.

How many instances have you known of persons becoming apprentices to become officers of the Customs?—My own instance, and one, a person who served his time with me.

Is he now free?—He is dead, and has been dead some years.

I suppose you have looked through this book (*referring to the long Red Book*)?—I have examined it, and see it is in my own handwriting.

Pray does not this contain a very great number of articles and rates more than the table?—Undoubtedly it does.

Three or four times as many?—I never counted them, I cannot accurately say.

Take the first letter of the alphabet; I believe there are only two beginning with the letter A.; I see here are 18 or 19?—A great deal more than what is on the table.

Several times multiplied?—I should suppose so.

Who made out this book, do you know?—Myself, as far as my handwriting; copied from another.

Where are the others?—*Non est.*

Speak English?—Gone out of date.

We would rather have plain English?—Very good, as plain as I can give it.

Do you mean that book is not in existence?—Oh, long since, either burnt or destroyed, I suppose.

Why do you say so?—Because it was in that ragged state that it induced me to make that one.

Do you know who made out that?—Oh dear, no; I found it there when I was first employed.

It was perhaps as old as the table?—I should think not.

Do you know who had any hand in making it out?—I found it there when I was employed; when I was first employed I found it in the office.

I see here is the charge, "Coaster's anchorage;" do you remember any instance of that being paid?—I do not know what you are alluding to; is it the vessel?

You know best, you say you copied the book?—I do suppose that is in my handwriting.

I will show it to you; just look at the margin; I understood you to say you had actually made that copy yourself?—As far as the rates went, this left-hand side, I had nothing to do with, which is not my handwriting there, except a few.

Whose is it?—Mr. Crossby's writing.

Do you know the meaning of that item, "Coaster's anchorage," 1 *s.*?—I do.

What is it?—One shilling on each vessel arriving coastwise.

And that is paid to the person who collects the town dues?—Yes.

By Chief Justice *Denman.*—You know of that, do you?—Yes.

That was regularly paid?—Regularly paid, always, since I can recollect.

By Mr. *Kelly.*—Then, I see, here is "British vessels from a foreign port, 1 *s.* 3 *d.*"?—One shilling and three pence.

Is that also vessels that arrive from a foreign port?—Yes, which arrive from a foreign port.

Do you happen to know whether that is one of the articles added, or does it appear in the table?—It is not added here; this is the anchorage.

You put it in the same book; it is collected by the same person?—It is a memorandum of Crossby's; there are three rates; a foreign vessel pays 1 *s.* 6 *d.*

British vessels from foreign ports, 1 *s.* 6 *d.*; foreign vessels, 1 *s.* 6 *d.*?—That is so.

All these sums you say have been collected by the same person, one and the other, as far as your memory goes?—Always.

Now I do not see any entry here; perhaps you can tell me whether there is any similar charge on vessels going outwards?—None; as far as relates to anchorage there is none.

Do you mean the word anchorage governs all three of these cases, that is, British vessels from a foreign port, 1 *s.* 3 *d.*; does that mean anchorage?—Anchorage.

And foreign vessels also?—Yes.

These three sums, 1 *s.* on coasters, 1 *s.* 3 *d.* on British vessels from foreign ports, 1 *s.* 6 *d.* from foreign vessels, are all on vessels arriving?—Yes.

And there are no such charges on vessels going out?—I know of none; I never heard of any.

By Chief Justice *Denman.*—No charge of any kind?—Not on the vessels.

By Mr. *Kelly.*—Now do you remember yourself any instance of any of these numerous additions being made to the articles in the table; can you tell me any one instance?

Chief Justice *Denman.*—He has already mentioned one.

Witness.—I have mentioned one.

By Mr. *Kelly*—Which was that?—Cattle from Ireland.

Mr. Serjeant *Wilde.*—Tanners' waste.

Chief Justice *Denman.*—It is tanners' waste.

Witness.—It is an article; tanners' waste.

By Mr. *Kelly.*—Do you remember any other than that?—I do not think I can remember any other.

You do not remember any instance whatever?—There was something imported; I think the article is tinkal; it is imported now, since the East India trade was with us.

Mr. Serjeant *Wilde.*—It is used as a colour for earthenware.

In what kind of package does it come?—In a package, but I do not know of what description.

Do you know what the charge of it is?—Either 2 *d.* or 1 *d.*, but I do not know, it is a new importation.

Do

Do you know the size of the package?—I never saw one.

In fact, of your own knowledge, you do not know on what principle the amount is assessed on that?—Any more than any other article.

Tell me on what principle it is on any article; I am not asking for particular instances; that you may not be in error, I take this one, tanners' waste, it is charged 3 *d.* per ton?—It is.

And 2 *d.* per hogshead; now tell me, how is that 3 *d.* per ton; is that per ton or per cwt.?—Per ton.

Chief Justice *Denman.*—Now attend to that question.

There are several other articles charged at a higher rate per ton, others again charged at a lower rate per ton; tell me why or on what principle 3 *d.* per ton was charged on this article?—I was not the settler of the arrangements; I was always to collect at the rate that was settled between the then receiver and the importer.

Were you present at the settlement?—I was not.

Chief Justice *Denman.*—It seems he cannot answer the question.

Now come to the next; so much per hogshead is charged; 2 *d.* per hogshead tanners' waste, I see; looking through the list, there are many other articles charged at a larger sum per hogshead, and some at a smaller sum per hogshead; will you tell me why 2 *d.* is fixed on this article?—I should only conceive from its being of less value than those so rated; tanners' waste being of little value, and a hogshead of sugar being of immense value.

Do you mean to say, as far as your knowledge extends, when it is of the same description of package, namely, a hogshead, that the principle of charge is made on difference of value?—I should only conceive so; I never heard it arranged.

Now, will you tell me then what the charge would be on a box of gold, which is less than a cubic foot in size, and about 5,000 *l.* in value?—Inwards or outwards?

Outwards?—One penny a box would be that.

By Chief Justice *Denman.*—Any sort of box?—Unless it was soap or candles.

By Mr. *Kelly.*—Of gold?—Yes, 1 *d.*

By Mr. Serjeant *Wilde.*—Do you mean a box of a certain size is charged at a given rate?—The term box is all I should look to.

By Mr. *Kelly.*—Do you mean whether a box contains gold or some article of exceedingly small value, that still the charge would be but 1 *d.*?—A box of dry goods is the term; a box of dry goods embraces it.

You call gold "dry goods"?—I should conceive so.

A box of any dry goods, whether of gold, or of however little value the article might be, you would still charge but 1 *d.*?—Except it was soap and candles, and that is less.

Will you tell me why that is less?—I cannot tell you.

You cannot tell?—It is impossible. I found it there.

By Chief Justice *Denman.*—That would fall under the same reason you gave before, soap and candles; candles are of less value than most dry goods?—Yes, they are.

Mr. *Kelly.*—That would not be found applicable to half the things.

Chief Justice *Denman.*—Very likely not.

By Mr. *Kelly.*—Is that so; do you mean to abide by that answer?—What is that?

That is the reason for the small charge or a different charge on soap or candles, that it is of a smaller value?—I do not speak of the value only from my own idea; the rates I find there; the rate per box.

Why it is there you do not know?—No.

Nor whether it depends on the value?—No.

I see a box of goods is charged a halfpenny?—That is export.

I am speaking of exports?—Yes, I think it is.

Can you tell why that is less?—I do not know; it existed when I got there.

By Sir *James Scarlett.*—All boxes exported a halfpenny?—Oh, no.

By Chief Justice *Denman.*—Dry goods exported, 1 *d.*, with some few exceptions?—Yes.

Soap and candles?—Yes.

By Mr. *Kelly.*—What are the exceptions?—His Lordship has just mentioned them.

What?—Soap and candles, and glass.

Plums?—Plums are very seldom exported; they are imported.

I see that there you are wrong; can you account for that, for the difference?—I cannot; it so existed, as I said before.

You do not know what the charge is on plums or prunes?—If you will show me the table, I can find it out; my memory is not charged with it.

I see that plums are charged by the box, prunes by so much a hundred boxes; can you account for this difference?—I cannot account for that; only see that it existed when I went (*a book was handed to the Witness*).

By Sir *James Scarlett.*—Explain that about the plums, now you have the book?—Prunes pay a farthing a box in and out; I do not see the article of plums mentioned.

You consider, I presume, prunes and plums mean the same thing?—If a farthing a box in and out. I find an entry here, prunes 100 boxes, 1 *s.* in and 6 *d.* out; plums 100 boxes, 1 *s.* in and 1 *s.* out.

Chief Justice *Denman.*—Are you reading from the bill of particulars?

Mr. *Kelly.*—No, my Lord.

Witness.—I do not see that here.

Do you know the present rate of collection, as you have sometimes yourself received it?—Not at the present time, it is very many years ago since I received it.

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When you last did that, should you have charged on 100 boxes of plums going outwards?—It would be almost a guess.

You would have looked, I suppose, at the table?—I should have looked to some other articles similar, and I should have assimilated it.

Am I to understand, the only articles on which you recollect any new imposition of a toll was tanners' waste, and that you say was not done by you?—No.

Was the occasion you mentioned about cattle, the first time you knew of a toll on cattle?—Oh, no, it was the only instance of refusal.

How many head of cattle were there?—From 40 to 50.

What did you distrain?—One of them.

What, for the 40 or 50?—For the 40 or 50.

Who was the person whose cattle you distrained?—I do not know his name; he was an Irishman.

Do you remember the disuse at any time of the brass table?—Never in my time; invariably hung up.

And do you during the whole of the same time remember that book?—This book? (*referring to the Red Book*).

Yes, or the book from which you copied it?—I remember it, certainly.

During the whole of the same time?—During the whole of the same time.

Can you tell me why the table containing part only was hung up, and the book containing a much larger account not?—I suppose from the increase of trade, and the variety of imports assimilated to the table as near as possible.

But you remember that book as long as you remember the table?—I do.

Do you remember anything being added at any time to that book?—That article, tanners' waste, which I before mentioned.

Nothing but that?—Nothing but that; I do not remember anything else.

I see a great many articles put here after tanners' waste; if you remember tanners' waste for the first time, do you know if it was before all these other articles?—Perhaps they are arranged alphabetically.

Look to the article tanners' waste; you will see a great many after it; were those imposed after the case you mentioned of tanners' waste?—There are several articles after that.

Were these articles added, and the toll or due assessed on them, after the occasion you have referred to of tanners' waste?—Yes, they appear afterwards. Perhaps they are not put according to the dates; that may be so.

You say that is a copy of the book; did you copy this exactly from the old book you spoke of?—Perhaps not verbatim.

Did you copy it in the same order; you did not put tanners' waste in the middle of a column, if it had not been so before?—I cannot speak to that, I am sure.

By Chief Justice *Denman*.—Are the articles that come after tanners' waste new articles?—No, I think not.

Mr. *Kelly*.—It is very doubtful.

Sir *James Scarlett*.—Let him answer; he knows about it better than you or I do.

By Mr. *Kelly*.—Can you tell whether these are new articles, coming, at all events in point of date, after tanners' waste, or were they before in the book?—I should think some of them must be, by coming after it.

They must be subsequent, that is new?—Yes.

Do you know anything about the assessment on any of these articles?—Nothing but the one I have alluded to.

Why, the book from which you copied that, did it appear those entries were made; you can tell from the appearance of the ink; did it appear that the entries were made at different times, or did it appear like your own, one regular series of writings?—I cannot burthen my memory with that, it is so many years ago.

Cannot you tell me whether it was written regularly through, like your own?—Oh, similar.

As if written at one time?—That I cannot speak to.

When did you last see this book—The original that I copied from, do you mean?

Yes?—I cannot say what date it was.

About how long ago?—About 1794 or 1795.

Can you recollect whether it was in one handwriting; one person's handwriting?—That I cannot speak to.

And in whose possession did you last see that?—In my own possession, I believe, the last.

What did you do with it?—I cannot exactly say; it got destroyed somewhere or another.

When did you miss it?—I never missed it.

Do you mean you purposely destroyed this book?—I do not know that it was destroyed, or what became of it.

In whose possession, and in what place; can you speak on that subject?—When I last saw it, it was in the drawer where that book was usually kept.

Did you, then, at any particular time miss that?—I never referred to it, never wanting to refer to it, having that; the other was very illegible by constant use, that induced me to make the other.

What has become of that, do you know?—Oh, no.

Re-examined

Re-examined by Sir *James Scarlett*. Appendix, No. 12.

I see after tanners' waste comes tea; I suppose tea was imported into Liverpool, at least from London?—From London.

Before tanners' waste?—I should suppose so.

By Chief Justice *Denman*.—And paid duty?—Yes.

The *Foreman*.—In that place he has put them alphabetically, and tea would come after tanners' waste as a matter of course.

Mr. *Kelly*.—If you look at the book you will see how it is.

By Sir *James Scarlett*.—Tar is the last article?—That was a constant importation before.

As you in Mr. Clement's time received the duties for him, pray did the merchant, when he came to make his entries, generally state the packages or articles on which he meant to pay the duty?—He gave a copy of the warrant if it was an inward warrant, or if it was a cocket outwards it was stated, with the rate upon it, and in general prepared on it.

The merchant came with the rate and the town duties ready prepared; I believe you know these are published annually, are they not?—The book of rates?

The book of rates?—I do not know that.

Are they not in the Directory of Liverpool, published annually?—There is a Directory; I do not know whether the rates are in it or not; I think they are not.

The merchant generally brings——

Mr. Serjeant *Wilde*.—Not brings; he did at the time he speaks of.

Witness.—He brought the calculation along with the documents.

By Sir *James Scarlett*.—In case it was a new article that had not been imported (tanners' waste) how would he manage that?

Mr. *Kelly*.—I have asked him, and he does not remember one instance except the waste, and that he was not present, as my friend cannot ask as to the general practice.

Sir *James Scarlett*.—Tanners' waste was a new article.

Chief Justice *Denman*.—I do not think he has negatived to that extent.

Mr. *Kelly*.—I asked him as to that twice, and twice he answered it.

Sir *James Scarlett*.—Although he might not be present at the bargain, he might know enough of the transaction to know how it was settled.

Witness.—Because I was ordered to make a calculation at that rate.

Although you were not present at any conversation, from the duty cast upon you, were you aware it was a new article, and a matter of calculation?—I was aware it was a new article.

Was the first importation, then, in bulk?—To the best of my recollection it was in bulk at that rate.

Attend to the question, and do not talk about the rate being in bulk; it could not be estimated by the hogshead?—Certainly not.

Do you know whether, after a time, they began to import it occasionally in hogsheads?—I cannot recollect it.

But if it was imported in hogsheads, would it be necessary to adjust the rate to the hogshead?—I cannot answer that.

Now as far as you recollect, on any new article imported for the first time, was not the question of the assimilation of the rate on the new article to the rates on similar goods to the new article, a question of arrangement between the merchant and the customer?—It was.

Mr. *Kelly*.—He has said he does not remember any instance.

Sir *James Scarlett*.—Yes, he has; he says yes.

Mr. Serjeant *Wilde*.—Having put a leading question, he says yes.

By Sir *James Scarlett*.—And in that one of the tanners' waste, was it not?—Yes.

Mr. Serjeant *Wilde*.—He was not present?—I was not present.

By Sir *James Scarlett*.—What makes you know it was?

By Mr. *Clements*.—Telling me to collect on tanners' waste at 3*d*. per ton.

Now another thing; this anchorage which you have mentioned; was that paid ever since you remember?—Ever since I remember.

Upon all vessels coming in?—All vessels.

And according to the rates here stated?—Yes; there stated.

With respect to any package of dry goods, let them be what they might, come in such packages as were found in the tables, that was a rate taken according to the tables?—According to that on dry goods.

Whenever you found a rate fixed in the table to that you adhered?—Yes.

Whatever the package might be?—Yes.

By a *Juryman*.—Is there any printed copy of that list for the use of the merchants generally?—None.

Have they access to that book at all times?—I do not remember any application ever having been made; they would not be denied.

You say they were prepared to pay then; how did they know the price of the particular articles?—By custom.

By Chief Justice *Denman*.—By seeing what was on the brass plate, and by paying the duty on the articles before?—And also many merchants at this day were clerks before.

By Mr. Serjeant *Wilde*.—How long has that brass plate ceased to be there?—I believe 40 years.

Sir *James Scarlett*.—Look at that book, published in 1774.

Appendix, No. 12.

Chief Justice *Denman*.—A Directory, is it?

Sir *James Scarlett*.—The Merchant's Guide.

Have you seen that book before; are you aware of the existence of such a book?—I cannot say that I am.

Sir *James Scarlett*.—This is published in 1774, and here is the Liverpool town dues outwards and inwards published in it.

By Chief Justice *Denman*.—You knew of nothing but the brass plate and the book?—That is all I knew.

Mr. *Brooks* re-called; Examined by Sir *James Scarlett*.

That book is another copy of the same book, that is print?—It is.

Have you had it for many years?—Mr. Spencer made me a present of it when I first came to be his clerk, and it is so noted in the beginning.

Does it contain a printed list of the town dues?—It does.

And it is published in the Directory of Liverpool annually?—I am not prepared to speak of the Directory; I only say this book was in existence when I came to the Custom-house, and in the hands of all merchants.

I ask you if you do not know there is a list published annually in some Directory?—I do not think the Directory is published annually.

Whenever it is published, is there not some book published at Liverpool which from time to time contains an account of the existing claims for town dues?—Subsequent books that are published at the Customs, down to the present time, have the same.

By the Chief Justice *Denman*.—What are those called?—They are books of rates, or merchants' guides, published by the clerks in the Custom-house at Liverpool, for sale among the merchants.

By Sir *James Scarlett*.—And they include the town dues?—They have each a list of town duties in them. New editions are brought out as circumstances require, by there being new rates or alterations. Here are three different editions, four different editions, and there is an edition since.

What is the date of the last edition?—The last edition I have here is 1825-1826.

By Mr. Serjeant *Wilde*.—Do you know of any published since?—There was one published since.

How long ago?—It was published last year, or within these two years.

By the *Foreman*.—Does that public book agree with the table, with the red book which is now on the desk?

By Mr. Serjeant *Wilde*.—You have been asked whether the book you last had in your hands agrees with any other?

The *Foreman*.—Agrees with that Sir James Scarlett has?

The *Witness*.—I know nothing of that book.

Chief Justice *Denman*.—Let the witness compare while it is going on.

Mr. Serjeant *Wilde*.—There is an immense increase also to the rates of charges and alterations.

By Chief Justice *Denman*.—Are they all reductions?

Mr. Serjeant *Wilde*.—No, my Lord.

By Sir *James Scarlett*.—Which is not a reduction?

Mr. Serjeant *Wilde*.—A great many are not reductions.

Sir *James Scarlett*.—Altered?

Mr. Serjeant *Wilde*.—New charges at new rates.

Sir *James Scarlett*.—Not new rates on old articles?

Mr. Serjeant *Wilde*.—There are bricks.

Sir *James Scarlett*.—That is a mistake.

Chief Justice *Denman*.—Fire-bricks?

Mr. Serjeant *Wilde*.—In the account they have bricks so much per 100.

Chief Justice *Denman*.—The explanation has been given; it was given yesterday.

Sir *James Scarlett*.—I shall show fire-bricks are 16*s*. per hundred.

Mr. Serjeant *Wilde*.—If you will show that, value is the test for which you go, which it is not.

Sir *James Scarlett*.—In some cases it is. Where the article is perfectly new, and the merchant has to consider it with the customer, it is fair to take in the value, no doubt, as one of the ingredients of computing it.

Mr. Serjeant *Wilde*.—You do not do it consistently; it is arbitrary.

Sir *James Scarlett*.—The merchant settles it.

Mr. Serjeant *Wilde*.—Does he?

Mr. *Gibbald*'s Re-examination continued by Sir *James Scarlett*.

I may now assume that the merchants of Liverpool pretty well know the town dues?—Yes.

When they came to pay the town dues, did they generally come prepared with their own calculations?—Always, invariably, I may almost say.

And it was generally received, was it not?—Yes, it was, if rightly calculated.

If the matter of figures was right?—Yes.

But the quantity of the article, and the nature of the package, and the description of the article, was received from the merchant?—From the merchant.

Mr.

Mr. Serjeant *Wilde*.—He has not said so. If it was right according to their table and rates ——

Sir *James Scarlett*.—He said, if rightly calculated.

Mr. Serjeant *Wilde*.—I will thank you not to put leading questions.

Sir *James Scarlett*.—I am not putting leading questions, if you only attend to the question.

Mr. Serjeant *Wilde*.—I have attended, and ought to have objected.

Did the merchant bring the number of packages, the nature of the article, and the form of the packages ready prepared?—The package was quite sufficient.

Will you answer the question one way or the other?

Mr. Serjeant *Wilde*.—That is a leading question.

Chief Justice *Denman*.—What was the form of the account? The merchant brought 20 packages, 2 *d*. apiece; that would be sufficient.

By Sir *James Scarlett*.—Did the merchants bring the material and the quantities on which the duty was to be imposed?—He did.

Did he make a calculation of the duty himself?—It was already on the paper, in general.

And then you calculated it up, to see if it was right?—To see if it was right.

Was that the case in every instance within your knowledge, except that of tanners' waste?—Invariably.

Examined by Chief Justice *Denman*.

When you say 20 packages, at 2 *d*. apiece, you did not take his account of the packages being 2 *d*. apiece, without knowing what they contained?—It was not governed by the contents always.

Packages?—Yes.

If he brought anything that fell within the description in the table, you had nothing to do but to see the number was truly given?—Yes.

I think there was a question put that you have not answered yet to either side; did you ever know a merchant bring an account of a new article; an account of the duty that he thought he ought to pay for a new article?—Not ready calculated.

Mr. *Kelly*.—Will your Lordship permit me to ask one question, merely whether the witness knows that iron in bars, worth 6 *l*. a ton, pays a due of 6 *d*. a ton outwards, and that copper in rods, which is worth 90 *l*. a ton, pays 3 *d*. a ton outwards?

Chief Justice *Denman*.—The question as to that is a question of the value of iron, is it not?

Mr. *Kelly*.—Perhaps he can explain it.

Iron in bars pays 6 *d*. a ton outwards; that is so, I believe?—Yes, it is so.

And that is worth about 6 *l*. a ton?—I do not know the value.

Sir *James Scarlett*.—It is sometimes worth 35 *l*.

Chief Justice *Denman*.—You will probably find some witness that does know.

Mr. *Kelly*.—The gentlemen will know pretty well that.

Does not copper in rods pay only 3 *d*. a ton outwards?—I cannot say without referring to my book of rates.

Look at your book of rates?

Chief Justice *Denman*.—What do you say is the value of copper in rods?

Mr. *Kelly*.—Ninety pounds to 100 *l*. a ton.

Sir *James Scarlett*.—Mr. Kelly is mistaken about the iron; he may possibly be about the copper.

I do not see it in my book of rates, copper rods; I do not see it inserted here.

Mr. *Kelly*.—It is in the particulars of demand; do you find manufactured copper per ton; is not copper manufactured 3 *d*. per ton?—Yes.

Is not copper in rods copper manufactured?—Of course it is manufactured.

Would you so charge it?—I should.

Then copper in rods would be 3 *d*. a ton outwards; iron, in bars, 6 *d*. a ton outwards?—Yes, that is the rate.

Do you know, or not, that copper in rods is worth from 90 *l*. to 100 *l*. per ton?—I do not know the value of any article.

Do you know it is worth 12 times as much as iron in bars?—I do not know anything of the value of iron.

Sir *James Scarlett*.—I wish to put in—if your Lordship will permit me, I will read it; it is a public Act; I make it part of my evidence. The first Act for making a Dock in Liverpool passed in the 8th year of Queen Anne, an Act for making a convenient dock at Liverpool, for the security of all ships sailing to and from the port of Liverpool: "Whereas the town and borough of Liverpool, in the county of Lancaster, an ancient borough, is entitled and does enjoy divers franchises, certain goods

Then come the duties: "To every ship trading to the port, and so on, pay the duty for one voyage only; the tonnage of the vessel is to be ascertained; the corporation is to appoint trustees to make bye-laws, and enter into contracts, collect the duties; in default of payment of the duty, the vessel is to be distrained, and then the application of the money

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which is for the purpose of keeping the dock in repair, for erecting buoys, lighthouses, and making those improvements which are specified in the preamble," &c.; and this, my Lord, is the general clause: "Saving always to the corporation of Liverpool and the inhabitants of the borough

Therefore whatever right existed to the port before does exist still. My learned friend has given me an Act made in the 39th George 3d, in 1799, An Act to enlarge the Term

merely for the sake of showing the recognition of it by Parliament at an anterior time. An Act, also a public Act, passed in the 10th year of King George 3d in 1768, in the 8th year of George the 3d: it was an Act for making and maintaining a navigable cut and canal

and from thence to the River Mersey. This is the original Act of the Leeds and Liverpool Canal, which is now one of the most thriving navigations in the North of England. The canal company have the privilege of making their canal from a certain place in the county of Lancaster to open into the River Mersey, and therefore to come into the port of Liverpool, and there is a provision in it for the purpose of saving the rights of the corporation.

Chief Justice *Denman*.—Any jurisdiction of and concerning

docks, piers, and harbours.

Sir *James Scarlett*.—" Provided always, and be it enacted by the authority aforesaid, that nothing in this Act shall extend

That was in 1768; it is repeated in many other Acts of Parliament.

John Moss, sworn; Examined by Mr. *Pollock*.

You live now at Liverpool?—Yes.

How long have you lived there?—Forty-seven years.

How long have you been acquainted with business in Liverpool?—The Custom-house business?

Yes?—Less or more, since the year 1786.

Were you formerly clerk to Mr. John Brown?—Yes.

What was he?—A commission merchant.

What business did he chiefly attend to; what was the branch of his business?—Exporting goods to Ireland, West India goods; principally tobacco from America, and occasionally goods from other parts.

Was he connected with the Irish trade?—He was.

The West India trade?—The American trade, and occasionally from other parts.

Did he import sugar, rum, cotton, tobacco, corn, and timber?—Yes, sir.

All those articles?—Yes, while I was with him; and tallow from Russia he imported.

Was it part of your business then to attend to the entries of the goods outwards and inwards?—Constantly.

Were the town customs paid on goods going out and coming in?—Always. He did very little on his own account; he was a freeman himself. Of course what was done on his own account was not paid on.

It was paid on all other goods?—On all other goods regularly.

Do you know of any alteration in the town dues on any article whatever?—None, sir.

Did you know of any change made in the mode of collecting any goods; coals, for instance?—Coals, when first I went, were paid by the chaldron; 27½ cwt., to the best of my recollection, were paid 3*d*. a chaldron; afterwards that was by the ton, and we paid 2*d*. a ton.

By Chief Justice *Denman*.—Is the ton as 2 to 3?—As near as possible.

By Mr. *Pollock*.—How many cwt. is a chaldron?—27½ cwt.

What alteration there is makes it rather less?—It makes it in favour of the merchant.

How long did you live with Mr. Brown?—About six years, in his office.

Have you since that time had experience of the same sort of business in other ways?—Yes, until within the last two or three years.

There are different papers of entries, and so on, in Mr. Brown's time; are they still in existence?—They are.

Have

Have you any of them here?—I believe they are in court; some are in court.

Have you the means of referring to them; some are in court?—I believe some are in court.

Now, have you looked over those papers for the purpose of refreshing your recollection of the transactions at that time?—I have.

How lately?—I saw them since I came to London; I did not particularly examine them, only to see that they were the same that I had examined.

Do you remember the town duty upon bales of cotton from Portugal?—Yes.—(*Some of the Papers were handed to the Witness.*)

Are any of those in your handwriting, or Mr. Brown's?—These are in Mr. Brown's handwriting; that I do not know.

What are they; are they statements of particular ships, or statements at the end of the year?—They are statements of the particular entries.

Of particular ships?—Yes.

Did you mention what the town dues on bales of cotton from Portugal were?—Twopence.

Are you able to speak of the duty on tobacco?—That is the town's custom.

Yes, I mean that?—Fourpence hogshead, inwards.

Boxes of linen from Ireland?—Twopence.

Twopence a box?—Yes.

Was that inwards or outwards?—Inwards.

How much outwards?—One penny; we had them form Ireland for exportation and consignment, and then, while they were the same property, they did not pay outwards again; the same packages did not pay outwards again.

Have you seen what is on the brass plate?—Yes, I have.

Did the dues correspond with what is stated on the brass plate?—Yes; they did.

Now, for instance, do you remember exportation of iron in bars?—Yes.

What was the duty on that?—Sixpence per ton.

Who was the receiver at that time?—The first I paid town dues to was Mr. Amey, but he died very soon afterwards.

How far back is that; how many years ago?—I think he must have died in 1787, to the best of my knowledge.

Forty-six years ago?—Yes.

Was the brass plate hung up then?—Yes, sir.

Do you remember applying to Mr. Amey to know the amount of the duty at any time?—I did when first I began to do the Custom-house business, and he referred me to the plate.

Do you remember that?—Yes, I do.

Forty-six years ago?—Yes, I do, sir.

Cross-examined by Mr. *Wilde*.

I think you say coals were 2 *d.* a ton; pray can you tell me what salt was per ton?—Sixteen pence for every hundred bushels; that is rock-salt.

I mean white salt?—Two shillings.

Two shillings what?—Two shillings a hundred bushels.

What does the 100 bushels come to?—In value?

No, in bulk or weight?—Two and a half tons, 40 bushels to the ton.

The salt 2 *s.*?—Yes.

You say you used to export iron?—Yes.

Can you tell me, generally speaking, the comparative value between iron and copper; copper in rods, and iron in bars?—They both were dear articles at that time, but that was foreign iron; we generally exported Swedish.

Can you tell me whether copper in rods would at all times very greatly exceed the value of iron in bars?—No doubt.

Can you give me what proportion; three or four, or 10 times as much?—I think we may calculate upon four times as much.

You say, on cotton, you paid 2 *d.* a bag?—Yes, 2 *d.* a bag. I have entered a great quantity.

Twopence a bag inwards?—Yes.

And how much outwards?—One-half the price.

What is the charge on Scotch wool the same weight?—I cannot tell.

You do not know whether that is 4 *d.* a bag?—No, I do not.

Pray which is the most valuable, Scotch wool or cotton?—That I cannot tell; I have no idea of the value of Scotch wool.

You cannot tell me whether one is half of the other, and whether that which is of the lowest value is doubly charged?—I cannot tell what the value of Scotch wool is.

Did you ever import any gold?—Yes; both gold and silver from Jamaica.

Now, a small box of gold is about a cubic foot; what would the town due be on that; 1 *d.*?—No.

What?—I had gold and silver out of vessels, and if I recollect rightly, it is free of all charge whatever.

By *Chief Justice Denman*.—Silver?—Silver or gold in packages.

By Mr. Serjeant *Wilde*.—You have exported and imported gold and silver?—Not exported.

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Imported?—Yes; imported.

Without the payment of duty at all?—Without the payment of duty whatever; because I have taken it from the vessel at the pier-head as soon as ever she came.

According to your recollection, you paid no town dues at all on it?—No.

Has that happened often to you?—Yes, sir; at the time I was clerk to Mr. Charles; he frequently imported gold and silver from Jamaica.

Did you ever know of any duty paid on gold on importation?—Not at all.

Do you know what the town due is on tar?—Two-pence a barrel, inwards.

And do you know what is paid on flour; is it a penny inwards?—I think it is 1 *d.* inwards, and 2 *d.* outwards; tar is 2 *d.* inwards, and flour is 1 *d.*

What is the comparative value of flour and tar; is the flour almost as much again, or quite as much again as the tar in value?—I do not quite know the value of tar just now.

I do not mean any particular time; taking the average, on the average would a barrel of flour be worth as much again as a barrel of tar?—I do not think it would.

How much more?—It would not be much more, according to the present prices.

And has that been generally the case within your experience, or are you speaking with reference to some particular state of the market?—I should imagine there is not a great difference; flour may be higher.

Is not flour now worth from 20 *s.* to 30 *s.* a barrel?—I should think it is.

And is tar worth from 12 *s.* to 14 *s.* a barrel?—I cannot tell that.

Have you reason to believe it is worth more than from 12 *s.* to 14 *s.* a barrel?—I cannot say.

By Sir *James Scarlett.*—Both fluctuate in value?—Yes.

Re-examined by Mr. *Pollock.*

Do you know where the copper comes from?—Bristol, and the neighbourhood.

From Wales?—From Wales.

Chief Justice *Denman.*—And Cornwall?

Mr. *Pollock.*—And the ore goes from Cornwall to Wales, and is there smelted, and goes from Wales.

And where does the iron come from?—Great quantities come from Wales.

Does the chief come from Wales?—I think it principally does.

Or from Sweden?—Very little comes from abroad now, on account of the superiority of the English iron; formerly, 30 or 40 years ago, I think there was a good deal more foreign iron used than English iron, at least in our neighbourhood.

Pray do you know what copper ore pays inwards and outwards?—I do not.

Do you know if any is imported to Liverpool?—I think not now; there used to be copper works in the neighbourhood of Liverpool, and then there was a great quantity imported.

You do not know what it paid?—I do not.

You said gold does not pay at all?—I do not recollect ever paying anything for it.

Do you know whether it is entered at the Custom-house at all?—It is not.

Or silver?—Neither.

It comes in and out quite free?—It comes in free.

Do you know whether that is so in London and every port in the kingdom?—I do not. I only know of our own ports.

And there gold and silver are allowed to flow in as freely as possible?—Yes.

By Chief Justice *Denman.*—No King's duty on them, is there?—No; completely free.

Mr. Serjeant *Wilde.*—It is required to be entered.

Examined by the *Foreman.*

Do you speak of silver in coin, or silver manufactured?—Either in bars or coin.

Mr. *Pollock.*—There being a duty of 1 *s.* 6 *d.* on manufactured silver, it is hardly possible it could be allowed to come manufactured.

Would silver be allowed to come in in spoons and candlesticks?—Oh no! there is a very heavy duty.

By Chief Justice *Denman.*—Gold and silver articles are subject to duty?—Very heavy duty.

But bullion?—Bullion is free.

Wrought gold is free?—Yes.

Mr. Serjeant *Wilde.*—Will your Lordship ask this gentleman from the Custom-house, Mr. Gibbald, a question?

Mr. *Pollock.*—I may state to your Lordship that bullion is not entered; we have the book of rates.

Mr. *Gibbald,* re-called; Examined by Mr. Serjeant *Wilde.*

Until very lately, I do not know whether there is any alteration lately as to that; has it been the practice to enter gold and silver, whether the duty be payable on it or not?—It is not necessary to enter it.

Has it been the practice to enter it?—Frequently; it is not absolutely necessary.

Do

Do you mean that persons are allowed to take out a package, which they choose to say is gold, without its being ascertained what it is by the Customs?—It has been done.

I am asking whether, according to the course of business, they may take any package, if they tell you there is gold in it?—It is not necessary to report it.

What is the course?—They differ; some do, and some do not.

What is the course; the Custom-house at Liverpool take means to ascertain whether a package said to contain gold, does so or not?—The officer on board is presumed to know.

It has been the practice to enter it?—Yes.

With respect to the silver; until lately, has any duty been paid on silver?—Town's duty, do you mean?

Yes?—Oh, yes!

And gold?—And gold and silver.

Pray what was the town's duty on a box of gold; we will say a cubic foot?—A box is 2 *d.*

Chief Justice *Denman.*—If there was any suspicion, they would look and see; but the weight goes a great way?—They are always very heavy. The weight would almost convince the officers there was bullion.

Examined by Sir *James Scarlett.*] The officer on board has a right to open it?—He has.

And if it be bullion he has no power to stop it?—He cannot stop it.

A man may get it by going on board the ship and carrying it away with him?—Yes.

By Mr. Serjeant *Wilde.*—What was the charge on crates of earthenware?—Two-pence inwards, and one penny outwards.

Is that so?—I think so.

Was it not 2 *d.* outwards, and nothing inwards?—We scarcely import any; it is a rare thing to import.

Was it 2 *d.* outwards?—Two-pence outwards.

Do you know the size of a crate of earthenware; is it about 40 cubic feet?—I know not the size.

Mr. *John Potter*, sworn; Examined by Mr. *Starkie.*

Are you a book-keeper?—Yes.

What age are you?—Sixty-three.

Are you acquainted with the Custom-house business in Liverpool?—Yes, sir.

When did you first begin to do any Custom-house business?—I went apprentice in the year 1785.

To whom were you apprenticed there? —Mr. John Wright, an agent for the Manchester Navigation.

Were you afterwards with Mr. John Bolton?—Yes, I was; three years.

With Messrs. Rathbone & Co.?—Yes; two years.

With Messrs. Wright, Davies & Co.?—For 22 years.

Now, have these gentlemen, with whom you were, been concerned in importing and exporting?—Certainly.

Goods from Liverpool?—Yes, certainly.

To a great extent?—To a very great extent, the whole of them.

Now, during the time you have mentioned, and when you were with these gentlemen, did you transact the Custom-house business?—Yes, I did; I did the whole of the business.

Did you do the whole of the business during the 22 years you were with Messrs. Wright & Davies?—I did during the whole 22 years I was with Mr. Davies, both inwards and outwards. When I was with Mr. John Bolton I did only part of it; while he was in the West India business I did it.

But the 22 years you were with Messrs. Wright & Davies, the whole of the time, you transacted the whole of their business?—Yes.

By Chief Justice *Denman.*—When did you leave them?—I have been at two other situations since I left them, Messrs. Wright & Davies; I have been with Sanders & Clarkson three years and a half, and Mr. John Mackennon for two years.

When did those 22 years end you were with Wright & Davies?—I went to Wright & Davies in 1804 for 22 years, and to Sanders & Clarkson in 1826.

During the time you transacted Custom-house business, did you pay town dues on all property that was not the property of freemen?—Always paid the town dues in every instance in every house I was in, and I never heard the least objection.

Will you examine the charges made to the defendant; have you examined the list of charges?—I have heard the list read over.

Do you know of any changes that have been made in the payment of the town dues?—I never knew any except in the article of tallow, which was 3 *d.*, and is now paid 1 *d.* by composition.

Tallow was 3 *d.*?—Yes; it pays now by composition 1 *d.*; hides were 1 *d.*, and paid by composition a farthing. A slight alteration, I believe, in coals, but not of any consequence; coals used to be 3 *d.* a chaldron, now they pay 2 *d.* a ton.

Would a person who has to pay the due pay more or less, or about the same?—Very little difference.

These items you have mentioned are all cases, except coals, on which the rate has been lowered?—Yes, I never heard of any other.

Appendix, No. 12.

Cross-examined by Mr. Serjeant *Wilde*.

In the houses you have been in, have you become acquainted with the article of tar at all?—Yes, we have imported tar, certainly.

Have you imported flour?—Flour also.

Pray what is the comparative value of those two articles; what is tar worth a barrel?—Flour, certainly, is the most valuable of the two.

What is about the value of a barrel of tar?—I cannot exactly say.

I do not want to know exactly; I am not going to buy any; I want to know generally about it?—I cannot say.

Cannot you give me a guess?—I am sure flour is more valuable.

How much more valuable, generally, do you think a barrel of flour would be worth than a barrel of tar; 20 or 30, or 40 per cent. more?—I should think it would.

You have been a dealer in corn a good deal, have you not?—When I was with Sanders & Clarkson we had a great deal of corn; perhaps as much as any corn house in the town.

Have you seen this account before to-day?—Not to-day.

Have you seen this account before to-day?—What, the table of town dues?

No, the account was put in your hands, and you answered; I do not know whether you were aware of it?—I really was not aware; I thought it was a list of the town dues.

Is that a paper you have seen before; have you seen and examined that paper before?—I never saw it before, not that particular paper.

Have you seen any account shown to you as an account of the goods imported by Mr. Bolton?—No, I never did; I never took any notice of it; I thought it had been a list of town dues.

When you said these charges were imposed, you thought it was a printed account of the town dues?—I did, sir.

Can you tell me about the size of a crate of earthenware, whether it would measure about 40 cubic feet?—I dare say many of them would; crates of earthenware are of various sizes.

Pray where is gunpowder usually landed; I believe it cannot be brought into the town?—It cannot; it is always landed at a place called the "Magazine," about two miles below Liverpool.

On which side?—On the Cheshire side.

Do you know what the town due is claimed for that?—The town duty on——

On gunpowder?—I do not know, for I do not recollect that ever I was at the exportation of any.

Have you ever imported manjet?—Never; that being an East India article; I never was in any East India house.

Re-examined by Sir *James Scarlett*.

You have dealt as a corn-merchant?—Yes.

Does not flour vary very much in value?—Oh, certainly; according to the market; the corn is sometimes high and sometimes low.

Sometimes varies from 50 to 100 per cent.?—Yes.

And I dare say tar varies also?—No doubt it does; it depends on the market.

Sir *James Scarlett*.—You remember the Norwich case?

Mr. Serjeant *Wilde*.—I only remember I got the verdict.

Have you not known an instance of tar being very high; sometimes as high as flour, from scarcity?—I do not remember any particular instance of the value of tar. I know that wheat flour varies very much in price.

William Yelverton, sworn; Examined by Mr. *Cresswell*.

Have you lived in Liverpool for any length of time?—Ever since the year 1795.

Were you at that time acting as agent for a mercantile house, or any mercantile house, in Liverpool?—I went apprentice to Mr. Worthington in 1797.

Have you continued in that sort of employment ever since, with merchants, at Liverpool?—I have continued in that service.

Were you in the habit of passing entries at the Custom-house?—Yes, occasionally.

Did you pay town dues, then?—Always, except on goods belonging to freemen.

Was Mr. Worthington, with whom you were, concerned in importing slates?—Yes.

Largely?—Yes.

Had he a slate yard at Runcorn?—Yes, and at Liverpool.

Is that in the port of Liverpool?—We consider it so.

Did any of his cargoes go up to Runcorn; any of his slates?—Yes, always.

Did you pay dues on them as well as on the others?—The same, exactly; no difference.

Generally speaking, did you pay town dues on all articles going up the river; to any other parts of the port, as well as on going to Liverpool?—There was no difference whatever.

Had Mr. Worthington a manufactory of pottery; porcelain, I think they call it, near Liverpool?—Yes; a porcelain pottery.

Were articles imported and carried to that place?—Yes.

Exported

Exported from it?—Not exported from it.

Did you pay town dues on them, in like manner as the others?—Flints and pipe clay, and flint stones.

I understand you to say, when they were taken to within the port of Liverpool you always paid town dues in like manner?—Always.

Cross-examined by Mr. *Kelly*.

Runcorn is in Cheshire?—It is on the Cheshire side of the river.

Is it in Cheshire?—It is in Cheshire, certainly.

Was it for goods imported or exported, you paid, from Runcorn?—Imported.

Did Mr. Brooks, or any one else, refuse to pass your entries until you paid the town dues?—If by oversight.

Do not say "if"?—If by any oversight I had not paid, I omitted to pay the dues, Mr. Brooks would return my book and say, "You have not paid your town dues."

Did those oversights, in fact, occur?—They did, sir, sometimes, in the hurry; being about my business, perhaps.

Once, or frequently?—Not often; we generally paid the town dues.

More than once?—More than once.

Were any of the occasions on goods from Runcorn, or going to Runcorn?—It was more likely passing outwards. It was regular, first to pay town dues, and then to pay the others; it would be passing a sufferance of coals outwards; that circumstance might happen.

Which was it?—I think it was for coals.

Have any such oversights occurred in respect to goods imported into Runcorn?—I cannot charge my memory with that.

You cannot say it has not?—No, I cannot say it has not; but it might have occurred in the Custom-house.

Are you now engaged in the slate business?—Yes.

At Runcorn?—We have a yard at Liverpool, and we occasionally send slates to Runcorn.

By the *Foreman*.—When you omitted to pay those duties, it was not because you objected to the payment?—Oh, no; it was merely an oversight going up, going in a hurry; I went to Mr. Brooks before I went to the other.

Mr. *William Hayes*, sworn; Examined by Mr. *Follett*.

I believe you live at Frodsham, near Liverpool?—Yes.

Have you carried on business as a merchant there?—Yes.

For how long?—Thirty years.

Is Frodsham within the port of Liverpool?—I believe it is.

So treated and considered?—Always considered so.

Were you in partnership with your father there before you carried on business yourself?—I was.

Was your father a freeman of Liverpool?—He was not.

Now, during your father's time, did he pay town dues on goods imported and exported from Frodsham?—He did, sir.

Frodsham is higher up than Runcorn?—It is.

Between Runcorn and Warrington Bridge?—No, it is not.

Is it on the river?—It is on the River Weaver; the Weaver falls into the Mersey.

What articles did you import or export from Frodsham?—Principally slates.

Were they imported or exported?—Imported.

Before the year 1818 where were the town dues paid?—In Liverpool.

At the Custom-house?—At the Custom-house.

Since that, some alteration has been made as to the place where the King's customs are paid for goods landed at Frodsham?—There is; there was a person sent from Liverpool in the year 1818 to receive the King's customs at Runcorn.

And since the year 1818 where have you paid the town dues?—At Runcorn.

Has there been a person appointed there to receive the town dues?—There was.

First of all, Mr. Jones; was it not Mr. Nevitt first?—Yes.

And afterwards Mr. Jones?—Yes.

You have paid the town dues to them then since that time?—Yes.

Cross-examined by Mr. Serjeant *Wilde*.

Your goods come down the Mersey to Frodsham?—Yes.

Do you bring them sometimes the other way?—Sometimes to Runcorn, and sometimes to Frodsham.

But do you bring them inland, or how do they always come?—Always come up the Mersey.

By which way?—Past Liverpool.

From the sea?—From the sea.

You always get them from the sea to Runcorn or Frodsham?—Yes.

Frodsham is in Cheshire?—Yes.

What is the distance between Frodsham and Runcorn?—Five miles.

[Here a small portion of the short-hand writer's notes appeared to have been mislaid.]

Appendix, No. 12.

Continuation of the Examination of Mr. *Dickson* by Sir *James Scarlett*.

Then, all the goods they imported were not their own?—No.

I believe you of late years have been treasurer of the parish?—I have.

Of the parish of Liverpool?—Yes.

The poor rates are very considerable, are they not?—Yes, a very large sum.

Has the corporation of Liverpool been rated; are they rated largely to the poor?—They are rated in proportion to the rest of the parishes.

For how long a period back can you say the corporation has been rated for the town dues?—From my own personal experience?

How long can you speak to from your own knowledge?—About a dozen years.

For what period have you got the books; have you any of the rate-books here?—None of the rate-books are here.

What have you got; have you any book to indicate what payments they have made?—Here are some cash-books.

Have you anything to show they have paid for town dues?—I have only the line, the receipt of money for them, which I know how it arises from my own personal knowledge for the last 12 years.

For the last twelve years you have been treasurer?—Yes.

Look at your book, and say what you know?—It is in my handwriting.

What is the amount you received?—I have extracted them here, and can refer to every page.

What I want to know is, how you know they are for town dues?

Mr. Serjeant *Wilde*.—I object to that; my friend says there has been some alteration in the mode of rating.

Sir *James Scarlett*.—I did not say that; I said I understood the parish books were irregularly kept, and I thought they were in court.

Mr. Serjeant *Wilde*.—I think something may turn on the form in which the rate is made; if this gentleman has an extract from the rate I am satisfied. I do not want technical proof; I want some reasonable proof as to the form of rating.

Lord Chief Justice *Denman*.—I own it appears to me quite immaterial.

Mr. Serjeant *Wilde*.—I think so, my Lord.

Lord Chief Justice *Denman*.—Whatever they were in the habit of receiving they would be rated for.

Mr. Serjeant *Wilde*.—Or ought to be.

Sir *James Scarlett*.—If I can carry back the rates to the time of Elizabeth——

Lord Chief Justice *Denman*.—Would be pretty good evidence they could receive them.

Sir *James Scarlett*.—I cannot carry it back so far. I expected to carry it back 40 or 50 years. I do not know I can.

You have not the rate-books here?—No; you told me about the town dues.

If you have not got the rate-books here, how can you tell me they paid the town dues?

Mr. Serjeant *Wilde*.—I object to that; that is only an ingenious mode of getting at the same thing irregularly.

By Sir *James Scarlett*.—Did you ever calculate the value of the town dues?

Mr. Serjeant *Wilde*.—I object to that; whether he did or not, it is perfectly irrelevant.

Sir *James Scarlett*.—I propose to ask whether, in that system of assessment the Corporation of Liverpool were to be rated on, the town dues were to be collected?

Mr. Serjeant *Wilde*.—I object to it.

Chief Justice *Denman*.—That is an indirect mode of getting at it.

By Sir *James Scarlett*.—What had they paid for the rates of last year, for example?—About five weeks ago I received the sum of 5,587 *l.* for the rates on town dues.

By Sir *James Scarlett*.—How do you know that?—There is a good deal of property the Corporation has. The great bulk of their assessment is on the town dues.

Do you know what the Corporation occupy themselves; do they occupy anything except the port of Liverpool, to any extent?

Mr. Serjeant *Wilde*.—I am sure they do not occupy that; so do not put that in; they may claim it.

Sir *James Scarlett*.—Who does occupy it?

Mr. Serjeant *Wilde*.—The public; and the right is in the Crown, if you ask me.

Sir *James Scarlett*.—The rights of the Crown are conveyed to them.

Mr. Serjeant *Wilde*.—I say the contrary.

Sir *James Scarlett*.—Prove the contrary. I have proved the regular conveyances.

Mr. Serjeant *Wilde*.—That we will see by-and-by.

By Chief Justice *Denman*.—In what sum are the corporation rated to the poor?—On the town dues?

Mr. Serjeant *Wilde*.—I object to that; this gentleman hears the discussion, and irregularly puts in the town dues; he is asked the gross amount.

Sir *James Scarlett*.—What is the assessment received?—£. 5,585.

What, last year?—£. 3,500.

And the year before?—£. 4,300.

And the year before that?—£. 3,850.

And the year before that?—£. 4,812.

As far back as you can speak of your own personal knowledge, what is the sum?—Shall I go back year by year?

No,

No, give me the first year that you can speak to of your own knowledge?—The year 1821, 5,500 *l.*

By Chief Justice *Denman.*—1822?—£. 2,926.

1823?—£. 3,658.

By Sir *James Scarlett.*—1821?—£. 5,500.

Do you go back beyond 1821?—Yes, it is 1820 and 1821.

Now, do you know what the corporation occupy in Liverpool?—They occupy the graving docks, some small houses for the accommodation of their own officers; they occupy the town-hall, which is not assessed, and I am not aware of anything else.

The town-hall is not inhabited but for public purposes; the graving docks belong to them and they occupy them?—Yes.

And some few houses for their officers?—And some few houses for their officers.

Is there anything else you know they occupy?—A few weighing machines.

Is that your cash-book?—This is the cash-book.

Let me look at it?—(*The book was handed to Sir James Scarlett.*)

Cross-examined by Mr. Serjeant *Wilde.*

You have been a merchant and acquainted with Custom-house business, I understand?—Yes, I have.

And with the town dues which have been claimed and paid?—In the early part of my life.

Perhaps you can tell me whether the articles of the same bulk paying by the ton; whether there are instances of articles of the least value paying the greatest amount of town dues?—I have little knowledge beyond the line of business in which I am employed, which, being West India, is comprised in three or four articles.

Can you tell me whether Scotch wool or cotton wool, which is of the most value?—I have very little knowledge of either.

Do you not know enough of the general trade to tell me?—No.

Mr. *Thomas Corrie,* sworn; Examined by Sir *James Scarlett.*

You, I believe, have been appointed the collector of town dues and town's customs for some years back?—Yes.

For how many years?—Since February 1821.

Have they been paid to you ever since that time?—They have been collected by me ever since that time.

Have you known of any objection until Mr. Bolton's, the recent dispute?—Not in my time.

That is, of course, what I ask you; now by what rate or table do you collect?—By a table which I found in the office on my appointment.

Was that contained in a book?—Yes, sir.

Now, since your appointment, have any new articles of importation been brought to Liverpool which were unknown there before as articles of merchandise?—There have.

When a new article is imported, what means are adopted to fix the rate on it?—I inquired into their nature and quality and use, and I assimilated them as near as possible, provided they were not packages, to other articles; if they were in packages, I took the package rate.

Without reference to the value?—Without reference to the value.

If they were in bulk?—I assimilated them as nearly as possible to other articles.

Other articles than found in the tariff or table?—I have not referred to the value.

By the *Lord Chief Justice.*—The nature, quality, and use?—The nature, quality, and use.

In doing that, was the merchant who imported at all consulted?—I have always done it in concurrence; I have consulted him, and done it in concurrence with the merchant; there are not frequent instances; I can only recollect two.

You consulted the merchant that he might see on what principle you acted?—Yes.

And he has acquiesced in it?—He has acquiesced in it.

I believe since your time you are aware whether some of the rates, or the rate on some articles, has been diminished?—No, I do not recollect that any rate has been diminished in my time, except by composition, which was fixed in 1825, at the request of the merchants.

That is what I wanted to come to; what was the article?—They were upon tallow, upon horse hides, upon East India cow and ox hides, and upon salt going to Ireland.

Tallow Mr. Gladstone alluded to yesterday?—It was referred to.

By the *Lord Chief Justice.*—Tallow and hides?—Cow and ox hides.

By Sir *James Scarlett.*—And salt going to Ireland?—Yes.

What was done in respect of these articles?—In respect of these articles?

Yes?—I was authorised by the Common Council to accept lower rates as a composition.

At the request of the merchants?—At the request of the merchants.

By Mr. Serjeant *Wilde.*—Had you any communication with merchants at that time about it?—Yes, I had.

In consequence of that lower rates were fixed?—In consequence of that lower rates were fixed on these four articles.

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And has been received ever since?—That has been received ever since; the merchants invariably acknowledge the lower rates to be a composition.

Is there any instance where the rates have been raised, to your knowledge, from the ancient rate?—No; not to my knowledge.

You were appointed in 1821; had you been concerned under any one else before in assisting; had you assisted any one before that in receiving the dues?—Not in that office.

You succeeded Mr. Crosbie?—Yes.

Is he dead?—Yes; he died a month before I was appointed.

Are you aware of the sort of goods for which Mr. Bolton has refused to pay the duties?—Oh, yes.

Have you any list of them?—Oh, yes. (*Producing one.*)

That is a printed list?—It is a printed list; but I have examined it by my own account of the goods on which he refused to pay the toll, and this is correct.

You mean correct as to the articles?—As to the articles, the rates, and amounts of charge.

Now, are there any articles in that which you do not find in some of the books and tables and rates that you had when you first came into the office?—Only four.

Which are they?—In the list rates?

Yes?—Oh, no. I think everything here is in the list of rates.

What did you mean by saying only four articles?—I have not compared these with the list of rates.

What did you mean by an exception of four articles?—I thought you were referring to other books, which will be mentioned.

Is there any article in that on which you had not received duties before from other people?—I have received these duties in every case before; on every article before.

I see there is tincal; is that one of the articles?—Tincal is one of the four I was going to mention; I have received the town duty on tincal from other persons.

At the same rate that he refused to pay?—The same rate Mr. Bolton has refused to pay.

Do you know when tincal was first an article of importation?—I believe on the opening of the trade with the East Indies.

Is that since your appointment?—Some years previous to my appointment.

What is the aggregate amount of duties; what is the whole amount of duties that he refused to pay?—The amount is not stated here. Here is a calculation here, 380 *l.* 7 *s.*

Look over, and I dare say, overleaf, you will find it; I include the amount outwards as well as inwards, both?—£. 494. 17 *s.* Outwards, 104 *l.* 12 *s.* 4 *d.* only; inwards, 380 *l.* 7 *s.* 1½ *d.*; makes 484 *l.* 19 *s.* 5¾ *d.*

Is there not one at Runcorn that you have left out?—In addition, there is 1 *l.* 5 *s.* 1 *d.* at Runcorn. I know nothing of that.

By the *Foreman.*—How long has that account been accumulating?—This account commences on the 22d of May 1830, and is carried on with regard to Liverpool imports and exports to the 13th of August in the same year; from the 22d of May to the 13th of August.

Mr. Bolton is an American merchant?—Yes.

Cross-examined by Mr. Serjeant *Wilde.*

He is an Englishman trading to America?—I believe he is an Englishman; I have no doubt of it.

You are asked about Mr. Bolton refusing; several gentlemen have refused until this question is decided?—Several others have refused.

Fifty or sixty, as many as 50 or 60; as many merchants as 50 or 60 in number?—Between 50 and 60 merchants' houses.

Are there among those some of the most respectable merchants in Liverpool?—There are some.

You were asked whether there are any charges in the account against Mr. Bolton that you did not find in some of the books of rates; pray how many books have you; you said four, I think?—It was not the book of rates, it was some other book of accounts of former persons; I did not catch the word.

When you said there was no charge but what was in some book of rates, you did not mean book of rates, you meant some book of account?—Yes.

You had referred to some account book, and from something you found there, you made the charges contained in that account, some of them?—I did not make the charges from any accounts I find in other books, but from the existing book of rates.

Let us see if you have it, the existing book of rates, or the account of rates; none such is produced; have you got here the existing book of rates, as you call it?—No, not the book for the present year I have not; I have in my pocket the book of rates which were in use during the time this was pending; this circumstance occurred in 1830.

Have you a new book since?—No, I have a book made at that time.

By the *Lord Chief Justice.*—That is the last book of rates you have?—Yes, copied from the one delivered up to the town clerk; this is the book I found in the office when I came in (*producing a brown covered book*).

Is this the book the other witness referred to; is it?—No, it does not look like it.

You found some book when you went there?—I found that book.

Did you find some other books as well?—No, that was the only book in the office.

And when did you make your new book?—I made my new book about the year 1825.

And

And you have now got here, have you, your existing book of rates?—No, not the existing book.

That book that existed at that time?—Yes, at that time.

Is there any difference between the book of rates as it existed then and exists now?—The book which is now in use I made out in 1830, at the time of this question being raised, because I was desired to deliver up the book in use at that time; I made a copy of it, and therefore the existing book is the book made in 1830.

I was speaking of the book of existing rates, not the identical book; have you got here with you the account of the rates which you collected in 1830, and continue to collect when they pay?—Yes.

Sir *James Scarlett.*—There it is.

The *Witness.*—There is the book (*producing a small red book*).

Is that book a copy of the book you previously used?—Everything contained in that book was copied into it.

That is not quite an answer; the question is whether they are the same?—That was originally a copy.

What has it become since?—I have made some additions to it as circumstances arose, and there are some articles I have put down in that book which are not in this, but by the package rate. That is more complete. I consider that is more complete than this, but without any alterations.

How more complete?—Several articles which paid by the package rate, and which were not in that book, I put down in that book (*the small book*).

Now will you be so good as to explain, Mr. Corrie; you said with respect to new articles, when they did not come in the description of package you found in the old rates, you took into consideration the nature, quality and size, and assimilated them as well as you could; explain on what principle you apportioned the town duty on it, with reference to that?—I took, for instance, natron, the first article; there was a great quantity of natron imported in bulk from Alexandria, about 150 tons if I recollect right.

In bulk?—In bulk.

By the *Lord Chief Justice.*—How did you proceed?—I inquire what was the quality and use and nature of it; I was told it was similar in most respects to barilla; barilla I knew to be an ancient article of import from Spain, and I put the same rate on natron as on barilla; there was no objection made to that.

How did barilla pay in bulk, by the barrel or cask or package?—One shilling a ton.

By the *Lord Chief Justice.*—Natron is the same sort of thing?—Very much the same sort of thing.

Tincal comes in boxes?—Yes, in boxes.

What are the size of the boxes?—I have seen boxes of tincal, probably 18 inches or two feet in length and breadth, and half as much, or perhaps not quite half so much, in thickness.

How does munjeet come?—In bundles; in bales, bags and bundles.

Does it come in bundles of about 4lb. weight?—I do not know what weight the bundle is.

About?—I do not collect by weight.

Do you mean you cannot tell me whether it is 4lbs. or 10lbs.?—I do not know that I ever had a bundle in my hand; I believe it is but a few pounds weight in the bundle.

What about is the size of the bundle?—It is an article in long strips.

Are they two feet long or ten feet long?—It comes in thin twigs.

About what is the length of the twigs?—From five to ten feet.

What is the thickness of the bundle?—About the thickness of my arm, and these bundles are doubled up into all shapes.

Is paper imported sometimes from Leghorn in bundles?—Yes.

What did you charge per bundle on the paper?—A penny a bundle, I think.

What is the size of those bundles?—I do not know; I never saw one.

Is the penny the charge you originally took, or the charge you now take?—Originally it was always the same; as nearly as I can recollect it was 1*d.*

Tell me whether there was ever an alteration on that charge?—Not that I recollect.

Endeavour to recollect?—I should look to my book; I would look to that small red book I have in my hand; it is not a common article of import, and I have a book lying before me generally for that purpose.

A penny a bundle inwards (*referring to the book*)?—Always the same; always 1*d.* a bundle.

I will just ask you about the munjeet; about what would be the dock charge on the munjeet?—About 4*s.* 6*d.*; I do not know anything about the dock charge.

Sir *James Scarlett.*—The dock charge the ship?

Mr. Serjeant *Wilde.*—You are quite mistaken.

Would it be under 10*s.* or 20*s.*, if you look?—For what quantity?

Upon the quantity that you have charged Mr. Bolton; what is the weight of a bundle of munjeet?—Why, perhaps it varies; I do not know exactly; from 5lbs. to 10lbs.

You are in the habit of collecting your duties, are you not, at the docks?—At the Custom-house; I very seldom go to the docks.

You do not go to see the articles, but you act upon the Custom-house entry?—I have occasionally gone to see the articles.

Possibly you may be able to answer me this question, as I can give you a very wide limit: do you know enough of the comparative rate of charge at the docks to tell me whether

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on a quantity of munjeet the dock charge would be 4*s.* 6*d.*, and the town dues would be 8*l.* 2*s.* 6*d.*?—I do not know what is the dock charge on munjeet.

Do you remember the house of Jones, Mann & Foster?—Yes.

They are brokers?—Yes.

Do you remember their importing a quantity of munjeet?—I remember their entering a quantity.

What was the amount of town dues on that; were they 8*l.* 2*s.* 6*d.*?—I recollect it came to a high amount; I do not recollect.

About that?—It was something very considerable.

Was it about 8*l.*?—It might probably be so; it probably was so.

You being collector for the corporation, I ask you whether, at the usual rate of charging at the docks, where the whole trouble is taken and all the facilities given, the charge upon that would be 4*s.* 6*d.*?—I know nothing about the dock charges.

Have you a clerk of the name of Lonsdale?—Yes, I have.

Does he sometimes fix the rate on new articles?—Not without consulting me.

This particular article or parcel I have asked you about; I suppose you recollect the instance it refers to?—Jones, Mann & Foster.

Yes?—I can recollect them applying for a return.

Did not you return half the amount afterwards?—There was a return of somewhere about half the amount, but not as to munjeet.

Was there a return of half the amount which you had charged for munjeet?—About half the amount was returned; on a settlement of the account there was an error in their own statement; they entered munjeet, and the goods did not prove to be munjeet.

What were they?—Madder roots, and not munjeet, and I returned the difference between the regular rate of madder roots and munjeet.

Did you ascertain whether it was madder roots or munjeet?—I had ascertained it through my auditor, I think.

Through whom?—Through the auditor of the town dues; there is an officer of the Customs who is the principal auditor.

The auditor of what?—The auditor of the town duty accounts.

A member of the corporation?—No, sir; an officer employed; an officer who is employed as principal auditor of my accounts as an officer of the Customs.

Is he also a member of the corporation?—No.

Who appoints the auditor of your accounts?—The common council.

He is not one of the common council?—He is not.

And you learned from him, did you?—I learned from him; I referred the application to him for information as to the quantity of munjeet that was landed, and he came back and informed me it was not munjeet that was landed, but madder roots; that the entry had been calculated in that way.

Was the 4*l.* that was retained a payment on madder roots or on a quantity of munjeet?—Retained as a payment on madder roots.

You are equally enabled to tell me whether the charge on that for the docks would have been 4*s.* 6*d.*?—Quite.

Was munjeet at that time entered in the book (*referring to the red book*)?—Yes, the book is in the state it was in in 1830; this transaction of Jones, Mann & Foster was within the last six months.

Now do madder roots come in bags or bundles?—In small bags.

Now you have spoken to an account being Mr. Bolton's; there you say you do not go to the docks at all?—Very seldom; I go occasionally, but very rarely.

What do you know about those goods having been imported by Mr. Bolton?—Mr. Bolton himself acknowledged the exportation and importation of every article.

What did he say?—When I went to demand payment of these amounts I asked Mr. Bolton did he allow he was the importer and exporter of these goods; he said he was so, and he had imported them.

What else did he say?—He said he had imported these goods.

What else did he say?—He said he refused payment only for the purpose of trying the question of the legality of the tolls.

When was this?—I went from time to time.

Now, can you tell me where those goods were landed; where the goods mentioned in the account were landed?—I did not see them landed, any of them; I believe they were all landed at Liverpool.

Do you mean in the docks when you say Liverpool?—Yes.

What do you call that dock that is to the southwards of the Queen's Dock?—Southwards of the Queen's Dock?

Yes. Do you know the Brunswick Dock?—Yes; what is now called the Brunswick Basin used to be called the Brunswick Dock; the Brunswick Dock is still further to the southwards, which has been finished during the course of the last year.

Do you know what proportion of those goods was landed in the Brunswick Dock, or whether the whole were?—I do not know in which docks any were.

Are you a member of the corporation?—Yes.

How long have you been so?—I have been in the common council since the year 1811.

The corporation have been at very considerable expense, have they not, in building churches in Liverpool?—They have.

How many have they built; three or four?—They built St. Luke's, and purchased and finished St. Michael's. I do not recollect any other; and they rebuilt St. George's.

Some

Some others, have they not?—I do not recollect any others.

In whom is the patronage of those churches, the corporation?—Yes; in each of those I have named.

Do the corporation let the seats, or how is it?—Yes, they do.

In each place?—Yes.

And support the whole establishment?—Yes.

You have said they were landed at Liverpool; do you know whether any and what part were landed at Runcorn?—No, I do not myself know; I only heard occasionally of the goods that went up to Runcorn.

Does that account state anything of where the goods are landed?—No.

And nothing passed between you and Mr. Bolton with regard to the fact of where they were landed?—Not of the spot where they were landed, but importations into Liverpool.

Was not Runcorn mentioned?—It is possible some conversation may have passed between Mr. Bolton and me upon the subject; it is impossible to say. I am only receiver at Liverpool, and there is a separate receiver at Runcorn. I have nothing to do with the town duties payable at Runcorn.

Did the sum you claimed of Mr. Bolton, when that conversation took place to which you referred, include anything as for goods landed at Runcorn?—No; not the sum which I demanded from Mr. Bolton.

The sum of which you have spoken; 494 *l.*?—£.484.

By the Lord Chief Justice *Denman*.—You had nothing to do with the goods at Runcorn?—Nothing.

Does that account include anything for goods landed at Runcorn?—Nothing.

Mr. Serjeant *Wilde*.—Look and see before you answer.

Witness.—Yes, it does; the last article; 1 *l.* 5*s.* 1*d.* does include it.

By Sir *James Scarlett*.—That was not within your demand?—No; everything else in this paper was within my demand.

Re-examined by Sir *James Scarlett*.

Do you receive also for anchorage?—Yes.

From all vessels?—From all vessels coming into Liverpool.

As totally distinct from these custom dues?—Yes; that account is kept distinct.

All vessels pay; English vessels, 1*s.* 3*d.*; foreign vessels, 1*s.* 6*d.*?—Coasting vessels pay 1*s.*; English vessels from foreign parts pay 1*s.* 3*d.*; foreign vessels pay 1*s.* 6*d.*

Mr. Serjeant *Wilde*.—That we have paid; that is no part of the demand.

Sir *James Scarlett*.—That is paid?—That is paid.

Is the article of munjeet included among the list that Mr. Bolton imported; I understand that is not; you had no discussion with him about munjeet?—No.

Do you recollect any objection having been made by any merchants importing munjeet, as to the mode of assessing the town dues on that?—I have heard complaints of its being heavy.

How long is it since that article has been imported?—Since the opening of the trade to the East Indies.

Was it imported immediately afterwards, or only within a few years?—I fancy it was imported immediately afterwards; most ships from Calcutta bring some munjeet.

Did it at first come in small quantities?—It comes in various quantities.

Has the quantity increased in later times?—I cannot speak to that. Almost every ship from Calcutta brings some, more or less.

Ships from Calcutta have increased since the trade was opened; the number of ships trading between Liverpool and Calcutta have increased?—Yes.

Consequently all the articles they import, if they all import munjeet, would increase in consequence?—Yes.

Do you know the use of it?—I believe it is a dying stuff.

When was it Mr. Bolton first refused to pay?—On the 22d of May 1830.

How long have you known him as a merchant of Liverpool before that time?—I have known him a merchant of Liverpool perhaps 30 years.

In a considerable way of business?—Always in a large way of business.

Had he always paid the duty up to that time?—From 1821 to 1830.

Since you have been collector, he has always paid the duty up to 1830?—Yes.

Do you know whether fire bricks have been exported from Liverpool in any quantity lately?—Yes, they have.

Any imported into Liverpool, fire bricks?—Yes, and imported into Liverpool also.

Do you know whether the value of the fire brick exceeds that of the common brick?—I have understood they are of greater value than the common brick.

The proportion you do not know, perhaps?—I do not know.

I understand, with respect to the anchorage, you have heard no dispute about that at all from any quarter?—No.

Not from any body?—Never with any one else, except in one case where a man defrauded us of a single shilling. That is the only dispute I have had; the only sum we have failed to recover.

Examined by Chief Justice *Denman*.

Suppose this munjeet had come first in your time, is there any old article to which you could have assimilated it?—I do not recollect any.

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Logwood comes in large pieces?—Logwood does, very large pieces.

Sir *James Scarlett.*—There are several defendants; I suppose you admit the partnership.

Mr. Serjeant *Wilde.*—Oh, yes.

Sir *James Scarlett.*—If a clerk came to you to enter, how is the munjeet described, as so many bundles of munjeet?—He brings me a paper, containing in such a vessel from such a house, the name of the importers, so many bundles of munjeet.

The size of which you do not know at the time?—No.

There has been some discussion among the importers as to the mode of charging munjeet?—No, not as to the mode of charge; they have generally acknowledged that I could not charge it otherwise; but they have complained it was heavy, in proportion to the value of it.

Mr. Serjeant *Wilde.*—There is some charge in the account you have been speaking to of anvils; will your Lordship ask on what rule they are charged?

There is a charge on some anvils exported; on what rule would they be charged?—I find it was the custom to charge ½ *d.* each.

Turn to your book, and show me the charge (*handing the little red book.*)—This is not my book, but I have no doubt it is a copy of it. I am informed it was the custom of the office.

Look at your own book (*handing the little red book to the Witness*).—It is not in the book; it was the custom of the office.

Mr. Serjeant *Wilde.*—Custom in the office.

By a *Juryman.*—Do bamboos coming out of India pay any town duty; canes that came as dutinage from India?—Canes pay 2 *d.* a thousand.

As to bamboo canes which come out of India, is there any town duty?—I do not recollect any instances of bamboos; we have had common canes; we have had rattan canes, not the bamboos, with short joints; but for bamboos I should charge 2 *d.* a thousand if they come.

Mr. *Joseph Molesdale,* sworn; Examined by Mr. *Pollock.*

Mr. Molesdale, you are an officer in the customs?—I am.

What appointment have you there?—In my commission I am styled principal coast officer.

Principal coast officer where?—In Runcorn and Cheshire.

Let me look at your appointment.—(*It was handed to Mr. Pollock.*)

Mr. *Pollock.*—"To all people, &c., We, the Commissioners to collect her (his) Majesty's Customs, do appoint Mr. Joseph Molesdale to act as principal coast officer at Runcorn, in the Port of Liverpool." It is an appointment to him to act as officer at Runcorn, in the Port of Liverpool.

Where is the duty paid?—There is no King's duty paid at Runcorn, we are not permitted to enter goods at Runcorn; the entries for the King's duty for the goods, not allowed to pass entries for them at Runcorn, only for free goods.

Am I to understand that nothing is landed at Runcorn, and nothing goes from Runcorn, except what is duty-free?—Except the duty is paid at Liverpool, then we land them at Runcorn; the duty goods are entered at Liverpool, and the document sent to me, to suffer them to be discharged at Runcorn.

By Chief Justice *Denman.*—The duty is paid at Liverpool?—The duty is paid at Liverpool, my Lord.

Mr. *Pollock.*—Do you remember the late Mr. Nevit?—Yes.

What was he?—He was the receiver of the dock and town duties of Liverpool.

Of the dock?—Of the dock and town dues for Liverpool; bringing goods and discharging at Runcorn.

He was receiver of dock and town dues for Liverpool at Runcorn?—Yes.

Is he alive or dead?—Mr. Nevit is dead.

Have you ever been with him when he has collected the town dues and received them?—Frequently.

How far back; how many years back?—Since 1818.

Who is the present receiver of the town dues at Runcorn?—His name is Richard Jones.

When was he appointed?—At the time of Mr. Nevit's decease.

When was that?—In 1831.

That is since this action, and therefore his testimony could be of no importance. Had Mr. Bolton, the defendant, any goods landed at Runcorn in the year 1830?—Why, sir, I am not competent to say the owner of the goods.

Mr. Serjeant *Wilde.*—My Lord, there was; I do not dispute the fact.

Did you see Mr. Bolton's clerk come?—I believe I happened to be at that moment out of the office.

Mr. *Pollock.*—It is to prove a cargo of wheat was landed at Runcorn.

Mr. Serjeant *Wilde.*—I admit it.

Chief Justice *Denman.*—Tolls to the amount of 1 *l.* 5 *s.*

Mr. Serjeant *Wilde.*—Yes, my Lord.

A *Juryman.*—May we retire?

Chief Justice *Denman.*—Perhaps the plaintiff's case is nearly concluded.

Sir *James Scarlett.*—I shall call but one witness more.

Mr.

Mr. *Foster*, called; and Examined by Sir *James Scarlett*.

I believe that since the death of Mr. Stalham you have been appointed town clerk?—I have.

Have you known for many years the Corporation of Liverpool?—I have since I can recollect anything.

Is there a court called the Court of Passage?—There is.

Held by the corporation?—There is.

Who are the judges in that court?—The mayor, and I believe the bailiffs.

I suppose, as it is suggested behind, probably passage; that is not the way it is interpreted at Liverpool; are all sorts of cases tried there?—They are all cases within the borough.

To what extent is the jurisdiction exercised?—As an attorney of that court I have tried an action myself in respect of the damage of a flat in the river.

What distance up the river?—It is opposite the town, about the middle of the passage between Liverpool and Tranmere.

Have you ever acted as coroner for the borough?—I have.

To what extent do they hold inquests?—I have acted as coroner in cases of bodies taken out of the river drowned.

What distance from Liverpool?—Across the river on the Cheshire side, anywhere left in the water.

The river is many miles?—Anything washed up from the sea, all over the river.

Has it ever happened in your time to take an inquest upon any accident of that sort, that happened any distance up the river between Liverpool and Runcorn?—Not within my own recollection at this moment, any particular one up the river. I remember one when I was bailiff and coroner outside the Rock, on the way to Haylock, to the Red Stones.

By Chief Justice *Denman*.—Did you ever summon jurors from Runcorn?—Never; we summoned the jurors from the borough.

Have you got any record of an ancient inquest?—Yes.

Is it the practice to put the inquests in the corporation books?—It is not now; this is an old book of records in 1658, and there is an entry of an inquest at that time, "Inquisition."

Mr. Serjeant *Wilde*.—Stop a minute on that, how is it signed; is that a copy? let me look at that.

Sir *James Scarlett*.—It is certainly a copy.

Witness.—It is a copy signed by jurymen; there is the signature by Blakemore, who was mayor and coroner at that time.

Mr. *Pollock*.—They are clearly in the same handwriting.

What does the book generally contain?—This is an entry "Inquisition taken at Liverpool. Portmote Court or Quarter Sessions there holden for the same borough, on Monday, 4th July 1659, before Mr. John Sturman and John Owen, bailiff of the same borough, according to the custom there used."

That is a Portmote Court?—I fancy it continues so.

Do you enter the proceedings of those courts in a book?—The quarter sessions, but not the inquisitions; they are returned now to the county sessions.

Since when were they returned to the county sessions?—Ever since I remember.

Sessions the corporation do not hold any jurisdiction over?—They do not, they do not return their own inquisitions to their own sessions.

But they hold their inquisitions?—They hold their inquisitions, and return them to the county sessions.

Is that one of the books that was produced yesterday?—Yes.

Do you know by the entries in the corporation books whether the person signing it was mayor at the time?—I believe he was Mr. Thomas Blakemore. It appears the signature of the mayor, and called the coroner, and names of the jury, appear in the same handwriting.

Sir *James Scarlett*.—Does your Lordship think I may read that? It is in the corporation book, signed by the mayor for the time being. I should certainly suppose it was a copy, because I see the names of the jurors are in the same handwriting; but it is entered in a book purporting to be a record.

Mr. Serjeant *Wilde*.—It is a book in which all sorts of things are entered.

Sir *James Scarlett*.—How do you know that?

Mr. Serjeant *Wilde*.—Because all sorts of things have been read from it.

Sir *James Scarlett*.—I do not think that.

Mr. Serjeant *Wilde*.—You asked me how I knew, and I tell you it is a book they do not appear to confine to one description of business, but to enter such business as they think fit; among the rest they appear to have copied something purporting to be an inquisition. I apprehend that is nothing in the nature or character of a record, more particularly as there is in all probability a record particularly in favour of their own jurisdiction, which is the object it is introduced for.

Sir *James Scarlett*.—In 1658 it would be difficult to find a record of an inquest. It is "Found drowned;" there is no further proceeding upon it.

Mr. Serjeant *Wilde*.—Pretty well done with, I think.

Sir *James Scarlett*.—The question is, whether that is not evidence that an inquest was so held.

Now then, speaking from your own knowledge, what is the extent of the jurisdiction of that court; the court of Passage?—I know the writs in that court are executed all over

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the water of the River Mersey, and going to the outside of the entrance of the port as far as the limits of the port are defined by Act of Parliament, and in various other ways.

By Mr. *Pollock*.—There are several Acts?—The Dock Act defines it.

Mr. *Pollock*.—The first Dock Act mentioned.

Mr. Serjeant *Wilde*.—Just read it, will you?

Chief Justice *Denman*.—The Act of Anne?—The Act of Anne.

Mr. *Pollock*.—One of the Acts I know; I read it this morning: "After the 24th of June the following duties are to be paid for every ship, vessel, bark or lighter trading or coming into and out of the said port with any goods or merchandize, the limits and extent are as far as a certain place in Haylock, called the Red Stones, and from thence all over the River Mersey to Warrington and Frodsham Bridge."

By Chief Justice *Denman*.—Is Runcorn within the River Mersey?—It is, my Lord.

And within Warrington or Frodsham Bridge?—Yes, it is lower down than either of them.

Mr. *Pollock*.—It is the first.

Sir *James Scarlett*.—It is a little village in Cheshire; the jurisdiction of the court of Passage extends all over.

Witness.—On the water, I believe it does.

Have you known persons arrested on the river?—I have, frequently.

By process out of that court?—Frequently, as an attorney of the court myself, I have caused persons to be arrested at the very extreme going out to sea upon running away.

By Chief Justice *Denman*.—That is in the opposite direction?—That is in the opposite direction, and that is more frequent, sailors and persons.

I see the River Mersey makes a great bow, and then sweeps out before it goes to sea?—This is the sea, and these are the Red Stones (*describing on a plan.*)

The Red Stones are on the Cheshire side?—Outside the entrance to the harbour.

Chief Justice *Denman*.—Called the Red Noses, I suppose.

Witness.—No; four or five miles beyond the Red Noses.

Sir *James Scarlett*.—Has your Lordship a map?

Chief Justice *Denman*.—No.

Sir *J. Scarlett*.—There is a small map more convenient. Your Lordship will see the Black Rock Lighthouse; the Red Noses are by the Black Rock; the Red Stones are further away to the left.

Chief Justice *Denman*.—Yes, I see.

Sir *James Scarlett*.—At the junction of the embouchure of the Dee into the Mersey.

Cross-examined by Mr. Serjeant *Wilde*.

The last circumstance you spoke about of arresting persons who were running away, that was out by the sea?—It was.

And you spoke of having held an inquisition opposite; where do you mean, opposite to what?—Opposite the town.

Of Liverpool?—Yes; frequently bodies washing or floating up the river.

When bodies are washed up there, then you hold an inquest under this court?—Yes.

I mean as coroner?—As coroner for the borough.

Be so good as to tell me; you say you have caused persons to be arrested going out to sea; what other places have you known anybody being arrested in, how far up, as to your court?—Within my own knowledge, of any business of my own, I cannot charge my memory with many, scarcely any, much above the town; I remember one instance, certainly, of a flatsman opposite Garstang, a man going up in a small lighter. I recollect causing him to be arrested about midway between Runcorn and Liverpool.

Were you there when he was arrested?—No, I was not, but I was told he was arrested there.

Where do your jurors come from who sit in that court?—From the borough only.

And where does the borough extend to; what is the extent of the borough?

Chief Justice *Denman*.—It does not come near Runcorn; it does not cross the water.

Mr. Foster, you are town clerk?—I am, sir, at present.

There were some charters produced the other day; have you other charters than those which you have produced?—Yes, a great many.

Sir *James Scarlett*.—They are all at your service?—

Mr. Serjeant *Wilde*.—I wish you to make out your case.

Sir *James Scarlett*.—I hope I have done that, and this is my case.

Mr. *Illingworth* re-called; examined by Mr. Serjeant *Wilde*.

Unless my Lord should have reduced it to the notes, I wish the terms of the charter of Henry the Third, which was translated, "rendering the customs."

Chief Justice *Denman*.—"Faciendi."

And the customs?—Consuestudine.

By Sir *James Scarlett*.—Is not the word used often for customs and tolls in the old charters and grants?—Yes, constantly in modern times.

By Mr. Serjeant *Wilde*.—And very frequently met for customs not having relation to pecuniary payments?—Yes, certainly.

Sir *James Scarlett*.—I tried once to make it apply to that.

Mr.

Mr. Serjeant *Wilde*.—And you succeeded. I will give you the benefit of your own speech; you shall have your own speech back again.

Is not that word frequently used as denoting customs, not referring to pecuniary payment?—Usages, yes. In the time of Edward the First, certainly, it meant customs.

Sir *James Scarlett*.—In one of the leases your Lordship will advert to, in the time of Edward the Fourth, the word is "custumis."

Have you that lease of Edward the Fourth?—Yes.

What is the term there?—"*Cum omnia modis, franchises, custumis, libertatibus, et cum omnibus aliis pertinensis eidem ville.*"

By Mr. Serjeant *Wilde*.—What is the number of this?—No. 16.

Mr. Serjeant *Wilde*.—I understand from my learned friend he has completed his case. It appears to me, on the evidence he has put in, that he is not in a situation to maintain the action. I would first wish to call your Lordship's attention to the situation of the case, and so pray your Lordship to nonsuit the plaintiff. My Lord, the deeds which have been put in to establish the plaintiff's title to maintain the action, are, first, a grant of Charles the First, 1628. That, my Lord, is a grant to Ditchburn and others, said to be in trust for the City of London, the Corporation of London. There is a bargain and sale also put in, in 1632, I suppose for the species of enrolment, which is to Walmesly and others in trust for Molyneux; there is then, my Lord, a conveyance of February 1777.

Chief Justice *Denman*.—1777.

Mr. Serjeant *Wilde*.—1777, my Lord; a conveyance by the surviving trustee in the former deed.

Chief Justice *Denman*.—Mutter.

Mr. Serjeant *Wilde*.—Yes.

Chief Justice *Denman*.—I think you are wrong in the date.

Mr. Serjeant *Wilde*.—I am first touching of the grant of the fee. I will call your Lordship's attention to the leases immediately afterwards. I believe I am correct in the date. On the 3d and 4th of February, lease and release, 1777, and that, my Lord, is a conveyanee, and it is material to arrest your Lordship's attention for a moment on that. That, my Lord, is the conveyance of a reversion expectant upon the determination of certain outstanding leases.

Chief Justice *Denman*.—What number is that?

Mr. *Starkie*.—It is page 12, No. 23.

Mr. Serjeant *Wilde*.—No. 23; and so the Corporation of Liverpool claiming, under the grant of 1628, to Ditchfield, insist that whatever passed by that grant is now vested in the corporation by virtue of that lease and release of February 1777, which lease and release is made to convey a reversion expectant upon the termination of the outstanding leases. In 1672, Molyneux, for whose benefit, and in trust for whom the bargain and sale of 1632 was made, demised to Brownelaw and others for 1,000 years. In the year 1700, 28 years after the creation of the term of 1,000 years, Molyneux and his trustee demised to the Corporation of Liverpool for 972 years, to Clayton and others in trust for the corporation. So that your Lordship will observe that there is now outstanding the two terms, the one of 1,000 years, commencing in 1672, and the other, 972 years, commencing in 1700. Those leases clearly demise and give the right of possession to whatever passed by them to the grantees, or to the lessees. Now, my Lord, there is no evidence whatever given to trace these terms into the Corporation of Liverpool. (I will thank you for the deeds; those two leases; the original deeds.) My Lord, your Lordship will observe the corporation are the *cestui qui trust* in those leases; the circumstance, therefore, of the corporation being in possession of the receipts of the rents and profits, as they may be called for this purpose, is consistent with the deed, as it was an object of the deed in both the leases that they should be so; but the *cestui qui trust* being by permission of the trustee in possession is perfectly immaterial; the legal right to that possession is of course vested in the person holding the term. Now, my Lord, as I apprehend the particular facts of this case, even before the late decisions, would utterly have prevented any talk of presumption of surrender; yet after the late cases, the cases subsequent to Doe *v.* Helder, where the Court of Queen's Bench has considered they went a great deal too far, and every court in Westminster Hall had disapproved, and, I believe, some of the judges who partook in that decision—I mean the decisione Doe *v.* Helder—that now no presumption can be raised of any surrender of a term except there may be some circumstances which could not rightfully have existed, and occurred on the supposition of the term being outstanding. Your Lordship will find the most convenient reference on the subject, except the last case in Barnewall and Adolphus, to Sugden's Vendors and Purchasers, where the cases are collected. But it is remarkable that in the last case in Barnewall and Adolphus, very recently, this Court determined that the circumstance of the instruments not being noticed, it not being usual to notice them, was a decisive ground to repel any presumption of a surrender arising from the fact of it not being noticed in Doe *v.* Helder. The decision turned on the circumstance of their not being mentioned being the foundation of the presumption.

Chief Justice *Denman*.—I did not understand Sir James Scarlett to wish the jury to presume a surrender; on the contrary, I imagined it would be for the purpose of money had and received that the Corporation of Liverpool are the persons beneficially entitled.

Mr. Serjeant *Wilde*.—It is not money had and received; it is for tolls.

Sir *James Scarlett*.—A common court for tolls.

Mr. Serjeant *Wilde*.—I did not understand Sir James Scarlett to venture to talk about a surrender in this case, but then he did not state any other ground; he passed over it with that facility that belongs to my friend to attack the difficulty *per saltum*. We have got the

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title, says my friend, and there he leaves it. Here is, my Lord, a legal right under these terms; here is the *cestui qui trust* in receipt according to those terms; but the legal right clearly is, I apprehend, outstanding in those trustees. I have not had the benefit of a suggestion on what possible ground, with an outstanding term in those persons, the present plaintiff can presume to bring the action. I will thank you for the original deed, those original you put in evidence; and the two leases I wish for. Then your Lordship will also observe, if the term be created for the benefit of the owner of the inheritance, the deeds creating that term form part of his muniments, and go with his title, the possession. Therefore the deeds here create no presumption at all, for it is consistent.

Chief Justice *Denman*.—I have noted your objection very correctly. I do not know whether you think it is worth while to enter on it, but if Sir James Scarlett wishes to put it upon any other ground than I have suggested——

Sir *James Scarlett*.—It gives me great pleasure to find that my friend did not think it worth while to make this objection at an earlier hour yesterday, but to go through the whole case that has followed it first. I take it for granted my friend is not so well satisfied with the last part of the case as he expected to have been. My Lord, I have proved, first, Mr. Bolton, the defendant in this case, for 30 years before 1830 has been paying these tolls to the corporation; therefore they are in actual possession of it; and if necessary to maintain this case, it would be sufficient to presume even a lease for a year, or a lease from year to year from the trustees; but in this case, by the deeds themselves, it appears the corporation are parties to the deeds, and that the grant of the term is to persons in trust for them in both cases; and therefore I apprehend Mr. Bolton has not said the right is in anybody else; he has paid for 30 years, and he suspends to try the right with the corporation. As I apprehend, he is precluded from taking the objection. If I show myself in actual possession of the rents and profits of any given estate, and a person has paid to me on account, he cannot afterwards dispute my title, and say it belongs to somebody else, unless he shows somebody else has claimed by superior title, and evicted. In this case there are two answers; one is what your Lordship suggested, which I should certainly adopt, that the leases, on the face of them, purport to be leases in which the user belongs to the corporation, the possession, and I have shown the possession in the corporation for a great number of years, and that they received the tolls; that I have shown for these last 100 years by clear, indisputable evidence. Then Mr. Bolton paying to them, I have shown, if the right existed in anybody, it is clear they are in possession of it and entitled to it, and I apprehend they may maintain an action.

Mr. *Starkie*.—In the case Mr. Serjeant Wilde alluded to the party there had never been in possession; the party claimed a beneficial interest.

Chief Justice *Denman*.—I do not understand you wish me to put to the jury any point of presumption.

Sir *James Scarlett*.—I apprehend just as your Lordship pleases.

Mr. Serjeant *Wilde*.—My Lord, the case which I will hand up to your Lordship you will perceive is not affected by the observations made by my friend Mr. Starkie; what my friend says about my satisfaction in this case I pass over for the present; I will take the liberty of dealing with that presently, if your Lordship feels any doubt about it, which I trust you will not. This is an action founded on the legal title of the Corporation of Liverpool to tolls; if this were an action of trespass to their town hall, or to any part of the town of which they are in actual possession, it might be one thing in such a case to say it is a possessory action, and therefore they were entitled to maintain it. Here a party comes to claim a tax or toll, and must make out his case strictly as a right; it is not a case of trespass or contract; it is a contract to be implied from a legal right. My friend says I have not shown who has the better title; I have not, but he has. My learned friend has shown the possession of these two outstanding terms, and my learned friend has not told your Lordship whether he wishes your Lordship to ask that the jury shall decide anything on the question of surrender. I am not surprised at that, because undoubtedly I should object there is no evidence to go to the jury on such a subject to warrant such a presumption; and that since the judges have said that the presumption of a surrender is not a matter of form, in order to get by any difficulty which the minds of those who are called to the consideration of the subject may desire to be relieved from, but that it is a presumption to be bottomed in fact, and to be proved by evidence, it is perfectly clear that in this case there is not a little to warrant the jury being asked to draw any such presumption. My learned friend says Mr. Bolton has paid; to be sure Mr. Bolton has paid the *cestui qui trust*; what has that to do with it? Suppose you were to pay even the rents of an estate to the *cestui qui trust*, unless you took it to him, so as to create a contract of tenancy, treating it by way of admission only, which is the case here, who is the party that should be paid? why the *cestui qui trust*. There is the authority of the trustee to collect, but a trustee cannot give an authority to sue in his own name, and therefore it does not appear my friend has even ventured on the semblance of an answer. Here is a perfectly simple case; that my friend says my title is under these leases; here they are; they are in a custody consistent with all the title; in the custody of those of whose title to the inheritance they form a portion of the muniments, and every fact that has occurred is a fact which the very deeds state was intended to occur, namely, that the *cestui qui trust* should receive and collect the tolls; but here the parties come on their legal right, and we say the person entitled must sue in respect of that right, and I submit to your Lordship there is nothing whatever to answer the effect of these terms, which take the legal title wholly out of the plaintiffs, and they therefore should be called. Your Lordship will also observe that the plaintiff has also undertaken to prove the same receipt before those leases as since.

Chief

Chief Justice *Denman*.—I will take a note of this objection.

Mr. Serjeant *Wilde*.—With your Lordship's permission—your Lordship knows the agitation upon presumption,—with your Lordship's permission on this, I wish to put this question upon record.

Chief Justice *Denman*.—I have no objection. I shall tell the jury distinctly in my opinion on this state of facts, if there is a right to the tolls the corporation are the proper parties to sue for them, and then you except to that.

Mr. Serjeant *Wilde*.—Exactly, my Lord.

Sir *James Scarlett*.—In the release and in the deeds the conveyance is to the corporation.

Mr. Serjeant *Wilde*.—Of course; who says it is not?

Sir *James Scarlett*.—You say these leases are outstanding?

Mr. Serjeant *Wilde*.—To be sure I do.

Mr. Serjeant *Wilde* then proceeded to address the Court and Jury on behalf of the Defendant, as follows:

May it please your Lordship,

Gentlemen of the Jury, Whatever view an advocate may have formed on a case of this description, he must be a very bold man, and possessing much more confidence in himself than I do, who can rise and address you without feeling considerable anxiety upon the subject. You have now been occupied a day and a half in hearing the case of the plaintiff, which case has been conducted in a way not calculated to draw your attention at all, or very little, to any of the points which are conceived material to the defence of this case.

My learned friend made his opening with his usual talent. You have been hearing evidence of the auditing of accounts, of the receipt of tolls, and a great many little statements thrown in by my learned friend, assuming some of the greatest difficulties in the case; and you would be very differently constituted from what men generally are, unless your minds must be strongly impressed with that which has passed, and may somewhat, perhaps, indispose you to the hearing of an attempted answer to such a case. I feel justified in the expression of this feeling on my own part, because even my learned friend, I find, with his transcendent powers, when standing in my situation himself, expressed that feeling to which I have given utterance. It is only when you are calling the attention of a jury composed of honourable men to the necessity of keeping their minds in a state of suspense until they have heard the whole case; until you recall to their minds that all that they have heard has been introduced, not to put them in possession of the whole of the case, but all that can be urged on one side, and one alone; and it is only when addressing such a tribunal, and upon a recollection of such circumstances, that one feels emboldened to look with confidence to that result which your judgment tells you justice calls for.

Gentlemen, I believe that the defendant has a perfect answer to this case. My learned friend was pleased to say that he expected I should resort to some ingenious attack on his case, and should insist that that had failed in some particular. The case of an action for tolls is one of a peculiar description; it is one on which the burthen more exclusively rests on those who claim it. My learned friend told you emphatically that juries and judges were never so well employed as when establishing and supporting existing rights. Gentlemen, my learned friend is an old soldier, and is a sort of Swiss; like us all, he is obliged sometimes to change sides; and my learned friend, with all the tender recollection of a first brief, is never unmindful of the last brief. My learned friend has told you, in a toll case, that you cannot do better; that you cannot acquit yourselves more favourably or beneficially for the country, than in establishing a toll for the Corporation of Liverpool. Unhappy Cambridge did not give my learned friend their first brief nor their last. I will tell you what my learned friend thought was the duty of the jury on that occasion, and then you will see what an admirable soldier my friend is, and with how grave a face he can state two propositions directly opposite. I am quite sure that those who did not know my friend would have supposed he was earnest when he made that appeal to you; that he was, on that occasion, a downright Conservative. Now I will show you when my learned friend ——

Sir *James Scarlett*.—Let me read from your speech on the Northampton ——

Mr. Serjeant *Wilde*.—Any speech you like, and I shall be honoured by your paying any attention to it.

Gentleemn, truth and simplicity alone I can deal with. I have not the tact and dexterity of my friend, and I shall get out of my depth if I made any such attempt. I shall just call your attention to what I presume to submit to you is your duty on the present occasion. My friend will deal tenderly with me, I know, when I do that in his own words. In the first place, my friend says that the plaintiff is to make out his case to the toll so cunningly exacted. I never saw one collected under circumstances so calculated to throw the public off their guard as upon the present occasion.

Gentlemen, many of you may be intelligent and experienced merchants, but I would be glad to know if a person, or if you went to the Custom-house, and you there found a brass ticket, and you found a man standing there with apparently official authority, and you are told there is so much to pay for this and so much for that, and so much for town dues, what, I should be glad to know, would be your course? Look at the deeds that have been here; look at the learned gentleman, my friend Mr. Illingsworth, who has been called to

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expound this to you. What do you think the people landing and shipping the goods at Liverpool could know of all that? what must this case have cost, do you suppose? would you pay the costs for 10,000*l.* or 15,000*l.*? I would not advise you to make the bargain. Look what it is to contest a toll. I should be glad to know how it is to be expected. You hear this corporation has collected it for some time, you know they have legal officers, and you know they have funds to ruin you in a contest unless you are very rich indeed; what is the meaning of this? In the first place, by imposing a demand made at the Custom-house, a great brass plate stuck up there; I should be glad to know what would be the impression on any one; it is not until something occurs to excite a suspicion—to call for examination; it is not until a house, as I examined the gentleman, whether there was not a house at Liverpool paying 1,600*l.* a year town dues, and that said by a gentleman, who tells you with a grave face "I do not think the tolls are any burthen." Why, I should have been astonished to have heard it, except that I very soon heard that he was a freeman and therefore paid none, and his freedom was given him for, as he said, some services which they valued; they gave him his freedom, what they were I did not think it right to ask, whether for recommending them a good Conservative candidate in the shape of Mr. Canning, or whatever other service I cannot tell you. For some service or another they present a merchant with his freedom. Look at the situation of the Corporation of Liverpool; you cannot buy a freedom; they have the power of giving it you; and they claim dues, which, if you mean to contest, you must hazard a fortune, and if you don't contest, takes a fortune out of your pocket, 1,000*l.* a year in tolls, and they have the power of giving you an exemption any day they please, by giving you a freedom, which you cannot purchase. I beg to ask you if this is not the most cunning, dexterous thing ever devised to mix up the town dues with the duties on customs, and to collect it at the Custom-house? Can anything be so imposing? And then only observe, the clerks in the Custom-house are apprenticed, and those who are apprenticed become freemen of Liverpool. Reports have reached us that sometimes that is beneficial to all classes; there are tolls of various descriptions, tolls for doing nothing, tolls for rendering service, tolls for voting, and there are tolls for various descriptions. When you find a powerful body like this connecting itself with the officers of Government, giving the appearance of authority such as I have referred to, tell me if in going and paying your dues that ought to preclude you from questioning those dues. if it comes to your knowledge afterwards there is no legal right for this. It is said Mr. Bolton has paid a long time, no doubt, and a fortune he has paid, and he would have continued to have paid if something had not reached his ears, and that of some other merchants who felt the grievance equally with him; who felt their next door neighbour was carrying on trade, probably the same trade, not paying 1*s.*, when he was paying 1,000*l.* a year, and for no other reason than because the Corporation of Liverpool thought fit to give him his freedom. Such a subject would invite a man to investigation. When the investigation comes, let it come fairly and clearly on the merits of the case; exclude all prejudice; if they have a legal right, I for one say, that to attack a legal right founded on charters and good legal authority, is to attack the foundation of all we value, and ought not to be done. Then, I say, to resist a tax imposed without colour of law and justice, to do that is equally to do all that is right and valuable. There are great principles that are mixed up with this case; has the Crown a right to grant, or on its own authority to impose a tax on the public without a benefit being rendered? Can it, under the form of making a port, or anything else my friend pleases, raise a revenue like this for doing nothing? That is a great question, quite as important as any my friend could start. When we come to look at this, and see the power and the influence and the skill with which this has been collected, I say do not let us conclude too much from merchants having submitted to it; let us examine the alleged right. I have stated it must be granted originally on a good consideration. What I would be glad to know, is there amidst all that expenditure, giving an account here of the expenditure of I do not know how many years altogether, which would frighten a man if he were to put all his expenses together, and not put down what was on the other side; they put down a vast deal of their expenditure, and not a farthing on the other side of what they have received; when this takes place you ought not to make a conclusion that payment and submission is evidence of right, but ought, when the question is raised, to look at that toll which has been submitted to so long and so profitably to those who set it up, but which now comes for judicial decision.

Gentlemen, I will look now at the first grant of this corporation. I pass over all the deeds about the Crown having had it before the charter of Henry the Third; it is enough they had it then. It is a grant by Henry the Third, "which estate we have granted, and by this our charter do confirm, that our town of Liverpool shall be a free borough for ever, and that the burgesses of the same borough may have a guild merchant, with a house, and other liberties and free customs to that guild pertaining, and that no one who shall not be of that guild shall traffic in any merchandize, unless by the consent of the same burgesses."

That is undoubtedly just such a clause as you would expect to find in a charter granted by a monarch who refused to confirm the charter of King John. That is an absolutely void prohibition; the Crown has no right, by charter or grant, to impose any such restriction. That restriction it is which I verily believe, and I think I can satisfy you, coupled with the corporation having got a of collecting certain tolls and dues, that they have gone on from time to time turning that which was originally the exaction of a licence to trade into a toll, mixing that up with the market tolls of the town, and probably tolls of passage; and that this has crept on, until at last they have been told enough, in ignorance of their charters and their rights, or those about them, to set up what appears to me

me the extravagant claim of a grant, somewhere or other, of a right to take toll on all imports and exports. Appendix, No. 12.

Sir *James Scarlett.*—All the charters to all the corporations in England are void, according to that.

Mr. Serjeant *Wilde.*—My friend is making a little echo, gentlemen. I beg to tell my learned friend, that I will not make the statement of a proposition, in point of law, that I have not the books here to confirm, if it be necessary; but I do not think it necessary to occupy his Lordship's time by reading them. The privilege of excluding foreigners, (the word "foreigners" means others than freemen), it can only exist by custom in the corporation by prescription; for the King cannot by his charter grant such a satisfaction of a jury who are not to give a verdict to secure a right on doubtful evidence, because, once their verdict being established, the right becomes absolute in law, and all mankind must submit to it; but my friend says we cannot let the defendant have a judgment, as the record courts are exceedingly careful and jealous of these claims of right to levy money on the subject. Long may they continue so, gentlemen; long may they continue so. I think it is their duty to be so, and I think it is the duty of juries to be so; for, whether the right is claimed under colour of authority from the Crown to the corporation, or claimed by the Crown itself, it is a subject of equal justice; and juries will not do justice to the public, unless they feel a jealousy and caution against an extension of such rights. What do you think of the establishment of such existing claims, because they are existing?

Then, gentlemen, I beg to say, courts and juries are jealous of the establishment of such claims as these; but my learned friend was right when he told you that juries would do their duty, not by lending themselves to the establishment of any right or claim, right in the sense of claim having been urged for some time, merely because it existed; but to look with jealousy, a jealousy never called for to any extent like that which is called for in the present case, before they gave a verdict establishing tolls at present existing to the amount of 50,000 *l.* a year in the Corporation of Liverpool, who have not spent a shilling, who do not spend a shilling, to give accommodation or afford convenience to any one of the purposes for which that 50,000 *l.* is supposed to be levied.

Sir *James Scarlett.*—Lend me the book you are reading from.

Mr. Serjeant *Wilde.*—I shall have occasion to borrow some more presently.

Gentlemen, my learned friend opened this case to you, by giving you not an uninteresting history of Liverpool, and some circumstances connected with it which the historian had passed over.

Gentlemen, a great part of that history, however interesting, was not at all necessary for the case; when I say that, I mean not necessary to present any fact upon which your judgment is to be passed; very necessary for the purposes of the plaintiff, which, by the general history, and the production of a number of deeds, that for this purpose will prove nothing, withdrew your attention entirely from what were the points on which this case must turn.

Gentlemen, there are some facts that we need not meddle with here, that the Crown is by presumption of law, and the course of common law, owner of ports; that the Crown is in many instances the owner of boroughs will never be disputed; one deed, therefore, by which the Crown granted unopposed would be as good as 1,000, and 1,000 would prove no more than the one. We have it that the Crown was the owner of the borough of Liverpool, that in the reign of Henry the Third there was a grant or charter made by that King to the burgesses of Liverpool, creating them a free borough, and granting certain powers to them. It is not now pretended that under that grant any such right passed, as is set up on the present occasion. Henry the Third having granted a charter, to the terms of which it will be my duty to call your attention, the case passes on rapidly, introducing deeds, and other things which do not seem to me to bear on the case, until we come down to the reign of Charles the First; a charter is granted, 1628, and that charter is the foundation of my friend's present claim; it is fit, therefore, that your attention should be more particularly called to the terms of it than it has been at present. The interest granted by that charter, whatever it was, the plaintiff, for the purposes of this case, the corporation, had traced in itself; I say so, of course, respectfully yielding to the judgment of my Lord Chief Justice on the point of law, which we have just been discussing, that being the view which his Lordship at present takes; but gentlemen, before I call your attention to the terms of the grant, allow me to invite his Lordship's and your attention to the nature of this question. This is a claim of tolls upon all goods imported into and exported from the town of Liverpool. You will observe there is the town of Liverpool, and the port of Liverpool; my learned friend, with the same facility that he leaped over these leases, and the circumstance of these leases being outstanding, has also leaped over all questions about the port. My learned friend says, "of course the port went with the town." I say, "of course it did not." Here is a port and a town; first of all, what are the circumstances under which a toll can be created? You are aware that it is not in the power of the Crown directly to tax the subject through the grantee of the Crown, but under certain special circumstances. I am now, of course, excluding all taxes by the sanction of Parliament and the Legislature. If the King created a port, when we talk of creating a port, I beg you will just consider what it is in the absence of any law to restrain; of course a man would have a right to land his goods any where in England; the circumstances of his landing it on another man's ground would be immaterial to the Crown, but as the Crown has now, and always has had since we have any means of knowledge, certain revenue, by way of custom, in order to secure to the Crown the collection of that custom, it became necessary to restrain the

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the general power of the subject to land his goods, and to appoint a particular place, because there could not be a coast guard all round the island to see that no goods were landed without rendering the due custom to the Crown; it became necessary for the purpose of protecting and securing it, that the Crown should have the power of appointing certain places where alone goods could be landed, in order that the Crown, previously knowing where goods may be landed or shipped, the Crown may appoint its officer to collect the customs that would become due in respect of landing the same. The making of a port is therefore nothing more than this: it is the appointment of certain places at which the subject may land. Some of the places afford facilities—the navigation may be more or less convenient—the land may be possessed by this or that person, and therefore the Crown, when it creates a port, gives also the right to land upon the soil of the Crown, or takes any burthen in respect of maintaining and securing the port. The Crown then, and then only in consideration of the benefit which it bestows on the subject, has a right to create a toll where it limits the boundaries of any given place as a port; and nothing is more clear than upon the authority of every lawyer who has ever written on the subject, that no toll can be created and imposed upon the subject, but in consideration that a benefit has been rendered. My learned friend contended, and contended that which is not gainsayed on, the former occasion.

Sir *James Scarlett.*—Toll thorough.

Mr. Serjeant *Wilde.*—My friend is a monstrous good echo to his opponent; he says that was a toll thorough; I say toll thorough.

Sir *James Scarlett.*—I do not say this was a toll thorough; I did not say this.

Mr. Serjeant *Wilde.*—I say what my friend is aware of, that is no echo, but a contradiction; the lawyers have said this is a toll thorough, and my friend can produce no authority to say otherwise; but I am referring now to what my friend says as to a toll thorough, the principle will be applicable, and it is this, that the toll must be created for a benefit, and that will endure only while the benefit lasts, that is the law which I wish to draw from my learned friend, as applicable to a toll thorough; this is precisely a case of that description; if there is any one case in which the law is more distinct and more important than another, it is in that part of it on which is to depend the right of the Crown, without the sanction of the Legislature, in passing a tax on the subjects of the country in respect of imports and exports. I call your attention back therefore to that which will be material for my Lord Chief Justice's attention, that is to say, that this toll can only be created for a benefit to be rendered to the subject, and it must be commensurate with that benefit, and in the language of my learned friend, can endure only so long as that continues.

Gentlemen, great doubts have been entertained, and my learned friend's opinion I find was in conformity with the general doubt, whether a toll granted by the Crown without defining and specifying the amount, would create any toll at all. Since that question was mooted, my Lord Chief Justice took part in a decision, where, I apprehend, that question is settled, that the grant of an indefinite toll may be established, and that it is to be construed as a reasonable toll, and that is what I understand the law to be at present, after the description of the Stamford case. It is most important therefore to call to your attention in the outset what is to be the foundation for this toll.

Gentlemen, you will observe that the town of Liverpool was formerly nothing more than a village and creek; my friend says that even within a century almost, it has only been a little fishing town, and with a hundred or two of inhabitants. Liverpool was formerly a creek, a member of the port of Chester; that is, a place where goods might be landed within the district of the port of Chester; now, my friend says, there is a grant of toll; it is enough for me at this moment to call to your attention and to my Lord's, that that grant of toll is only good provided the public derived a benefit commensurate from it.

Gentlemen, it appears in the reign of Queen Anne, by the Act of Parliament to which my friend has referred, that the port of Liverpool or harbour of Liverpool, for I beg thus early to call to your attention that my friend has given no evidence at all to show that he is the owner of the port. Besides the principle that I have first adverted to, that the Crown can create a toll but upon a *quid pro quo*, as it is called in some of the books, or a proportionate benefit to the subject, there is another rule to be observed in this case. If the Crown makes a grant, inasmuch as it is supposed the Crown has not equal means to be informed of its rights, or to pay equal attention to that which may become the subject of grant at the moment, that all grants of the Crown are to be construed strictly, and that you cannot claim under a grant from the Crown under general words, matter anything like so important as this. You will observe the Crown will possess the borough of Liverpool by being the owner of the soil. The right of the Crown in respect of a navigable river and of the harbour, is a right of a different description, it is a prerogative right, and cannot pass unless the grant is express to the subject. When I come to call your attention to the grants which have been put in here, you will find that they are merely grants of the town, and have nothing to do with the port.

Gentlemen, public bodies have great advantages in contending with individuals; they have perpetual succession, they never die, because you are aware that whatever members may be carried off by death, there are always enough of survivors to bear in recollection their rights, and to succeed to the documents and to the evidence of title. The corporation, therefore, have not the same excuse which other persons have, either for inattention to their rights or for the absence of proof, although unhappily it does exist, according to the course of my experience, for I have never known a contest with a corporation in which, either by some unlucky fire, or some unlucky accident, that all that is against them is not destroyed, and all for them is luckily preserved, and they enter in their books, as they have

have done here, from time to time. I have had one entry read against me, setting up a presumptive immemorial claim to this toll, aye, and sworn to, and entered in this book, although my friend's claim is only found in a charter of 1628; and they might as well have produced any book as evidence of an immemorial prescriptive right to this payment, as for any other purpose for which they have done it. It only shows how corporations enter in the most solemn way that which is for their own benefit, however contrary to the truth, as I have had on the present occasion, for there is a toll of a different sort, subject to different legal incidents and consideration, entered solemnly in that book. But the corporation are in the habit of going to Parliament occasionally, nobody to watch them, nobody to contest with them, nobody choosing, unless employed, to enter into a contest with a body possessing estates, as you hear, of upwards of 40,000 *l.* a year, according to their admission, independent of these tolls. And my learned friend has put in certain Acts of Parliament, obtained by them, as evidence of his clients' title. Gentlemen, these are no more evidence of it than a piece of waste paper. It is now perfectly well settled that if men, or a corporation, go to Parliament, and in your absence, or the absence of other persons who are not immediately connected with them, choose to put in an assertion of matter of title, that they are no more evidence against third persons than any other matter which they may choose to put into any of their documents. We are bound by those Acts of Parliament which are passed for what are considered general public objects, but these private Acts of Parliament are mere deeds that parties put into them what they please, but they cannot use them as evidence against any other person as assertions of their right. That is a principle perfectly well established, and in one Act of Parliament, I find, without a single deed containing an expression which could be construed to give them any such title, they put in a parenthesis, " of which port the corporation are the owners," and that is the whole evidence of their title. I say that Act of Parliament, for the purpose of the day, must be read without any such statement as we have on that document, the authority on which it has been asserted, and it is plainly inserted just to set upon some occasion, as it is now attempted to do, inconsistent with their deeds, going infinitely beyond that which they have any pretence of doing. It is therefore material to bear in mind that the statements in the Act of Parliament, respecting the rights of those who are concerned in obtaining a Bill of this description, are not evidence in support of those rights. We shall have occasion to refer to some of those statements, more particularly by-and-bye. It appears that in the reign of Anne, the harbour of Liverpool could not afford accommodation to the trade; whereupon this corporation bound, if it had the dues which it claims, but which I am sure it never had any legal right to at all, but if it had been bound to amend that port as commerce increased, their dues and revenues increased, and they were bound to afford that accommodation. What do they do? They go to Parliament, make a bargain with the public that a dock shall be made to accommodate the trade, and how to be paid for; money to be raised on the security of the tolls, and those who use the port, and to pay those dues, tonnage or dock rates. So that we come down to Queen Anne, we find that even on that part of the case, on which my friend has been compelled to prove that which forms the foundation of the due and the toll, as we may call it, that which forms the whole consideration, the corporation do not afford, the trade cannot be accommodated, that the public have got to buy the means of using Liverpool as a port by the erection of a dock, which the public is to pay for.

Gentlemen, my learned friend captivated us very much by that statement which we often hear of, how much the Corporation of Liverpool had done for the trade of Liverpool. The merchants have been asleep, I suppose; those who have built the ships, and freighted them, and sent them out. It is not the public spirit of the British merchant, it is not his enterprize, and his courage, and his talent and capital. Oh no! It is all the Corporation of Liverpool; and what have they done? I do not mean to detract from them as men of spirit, and as men of taste, but they have been great building speculators, they have a large estate, they have greatly improved that estate, their revenue at present is 40,000 *l.* a year as admitted. I asked a gentleman if it did not exceed 50,000 *l.*, I got but an imperfect answer; they have been improving their estate, they have been laying out this money at interest, part of which the public have been contributing by this toll, but not one shilling laid out in the port or upon any subject connected with the receipt of that toll. They have been widening the streets; did any body ever hear that widening the streets of the town was a consideration for an export and import duty? What was the case that my friend was in, to which I have so often adverted to, a toll claimed by the corporation of Cambridge to go down a street, and the consideration they set up was repairing another street, on which my friend said, with his usual power, " this is a toll through, no benefit not expended on the particular spot can support such a claim," and he succeeded and destroyed the claim of the corporation enjoyed a long time, supported by as strong evidence as they could produce? When my friend speaks therefore of the Corporation of Liverpool, nobody can have lived in England without hearing how much Liverpool has been advanced and improved; but when I ask if they are not owners of two-thirds of the whole town, new and old, or a much larger proportion, when I find they are building churches, three or four, and the patronage is in the corporation, and whether their sons, or nephews, or cousins, are the gentlemen likely to benefit by that patronage, you must judge they have been laying out their money, at interest, for their own benefit. Who have built the docks? Who have paid for the docks? Who supports the docks? Who provides that facility and accommodation which my friend is examining his witnesses about? Why, the merchants, who are paying probably 200,000 *l.* a year as the price of that facility

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and accommodation. What has that to do with a gentleman who has nothing to do but to stand on the wharf or custom-house, and claim as much as he can get from the merchants who are buying their accommodation in the docks? What has he to do with that? Therefore, gentlemen, when my friend said, You will stop the improvements of the town of Liverpool if you do not give the corporation this toll, why they have got a good estate as it is. They are working on their own estate still more, but I trust you will not be alarmed at stopping the improvements of the town of Liverpool at the expense of fastening on the inhabitants of this country 40,000 *l.* or 50,000 *l.* a year, for which not one farthing is expended, nor one farthing benefit granted. If it be proper that Liverpool should be improved at the expense of the public, let it be done under the authority of Parliament, and let the money be raised in such a mode as shall be considered just and equitable; but to tax the merchants and to tax the public, indeed—for the consumer at last, you know, must pay the price of all this—to tax the public for the purpose of carrying on the improvements of the town of Liverpool, is a thing which never was heard of, and cannot be sustained. My friend introduced this topic just for the purpose of distracting the attention, and it could have no other effect. If I am right, and I am as certain as a man can be after some experience on matters which are not open to doubt, that this toll can only be created for a benefit granted to the public, I am assuming there, that it was ever granted at all. In the next place it must be reasonable; gentlemen, what a case for me to discuss before you; what is a reasonable toll for doing nothing? Is 50,000 *l.* a year? I have proved to you, and it appears by the Act of Parliament, which my friend has referred to, and by other public Acts, that at this moment not a bale of goods, not a bundle, box, or package finds its way upon the soil of the Corporation of Liverpool, they spend not a shilling in the river, they spend not a shilling in those docks, where alone the trade is carried on, and, if I am right, and if my friend is right that it is a toll through, it must have a good consideration at its commencement, that it can only continue while the benefit is imparted to the public, that it must continue to be reasonable; I should be glad to know what is the situation of the present case.

Gentlemen, the corporation not only have the advantage in having their officers legal men among others, always watching their rights, capable of writing in their books that their toll is an old prescriptive toll, and that they enter years before they have any title at all for those entries, some of them made before the very grant under which they claim; not only that, but I beg to say, what is the situation of the public? I never saw a privilege to a corporation within memory, and then here is a whole string of authorities, William's Landers, 312 c.

I therefore say, it is with reference to that clause I asked, "Have you not other charters that you won't produce?" My friend says, "I will give you any you want." Yes, he wants me to produce some of his charters as my evidence, I not knowing their contents; but I say such a charter as this, and he has several charters, there is no probability to presume that any subsequent king would confirm, and for aught I know, if I could get into my friend's box just to look, I should find charters confirming the charter of Henry the Third, with the exception of that clause; nothing more likely, extremely probable, that some day or other may be dragged from that box that which will show that this was repudiated by all subsequent kings, and which has been the foundation, as I have surmised, of that which has since followed, the charter, making them a free borough, and giving them a guild merchant; and that no one who should not be of that guild should traffic in any merchandize unless by consent of the same burgesses. "And we have also granted to the same burgesses, and their heirs, that they may have soc and sac, and toll, and theam, and infeangearethef, and that they shall be quit throughout our whole realm, and throughout all the parts of the sea, of toll, lastage, frontage, and stallage, and that they shall do no suit of County Courts," and other matters not material to this; and then there is a grant to free them from toll.

Now you will observe, therefore, that this grant has no other effect upon the present case than to make them a corporation; that is the whole effect. So much, therefore, for the charter of Henry the Third; we have no others put in, that is, no other applicable to this subject; that does not bear on it, let us come then, and see what is to be the grant. It is this: Charles the First grants all this his town and lordship of Liverpool, the town and lordship part of the honour of Lancaster, with their rights, members, and appurtenances; I deny that a port will pass as a right, member, or appurtenance of a town or a lordship, I utterly deny it; and it goes on, "and all that *boat* or passage over the water of the Mersey there."

Now I grant that if the port had passed, that boat or passage would have passed, that is the ferry; that I am very ready to admit:—"all that boat or passage over the water of the Mersey there, and the butchers' shambles in the said town of Liverpool, and also all the stallage and tolls of the markets and fairs, with the perquisites of the courts in Liverpool." And now come the words that are material to this case, "and all customs, anchorage, and quay tolls;" customs, anchorage, and quay tolls of the water of the Mersey aforesaid, and "within the town and lordship of Liverpool." Within the *port* of Liverpool? what is the port of Liverpool? It gives us here to Runcorn, and if the king had pleased it might have run to London; the port of Liverpool is that accidental division which the Crown fixes on as being under the superintendence of one custom-house. It may vary from time to time, and no doubt has varied; the Crown, to-morrow, might issue a commission from the Exchequer, and might declare that the port of Liverpool should extend 20 miles beyond Runcorn. This grant, when limited to the town and lordship, is intelligible, but in 1628 I should

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be glad to know whether Liverpool was a port of itself or not? or whether, when Liverpool was spoken of, Chester was not the port, and Liverpool a mere creek within the port; but my learned friend has been to-day assuming for his clients that which they assume for themselves, that whatever were the limits of the Custom-house originally as to the port, their limits were equal. Upon what possible ground I should be glad to know (and I beg to ask, and to invite his Lordship's attention to this) can the Crown grant a toll on all goods landed within a port without limit, where the Crown shall not be the owner of the soil of that place? If a port may extend to a certain point at one time, and be extended or diminished at another, can it be possible that the toll will fluctuate according as that alteration takes place, or would it be likely that the Crown should intend to grant the port duties such as these, and that with all these particulars of butchers' shambles, and boat or passage, there should be this entire omission of the "port," which must have been vastly more important at that time than the town? The words are, "all his town of Liverpool, parcel of the honour of Lancaster, in the aforesaid county of Lancaster, with every their rights, members, and appurtenances, and all that boat and passage over the water of Mersey there, and the butchers' shambles in the said town of Liverpool; and also all the stallage and tolls of markets and fairs, with the perquisites of the courts, and all the customs, anchorage, and quay toll of the water of Mersey aforesaid, and within the aforesaid town or lordship of Liverpool.

Gentlemen, what are those customs? Allow me to call your attention to this: there are certain customs due to the Crown. There were, at that time, certain customs due to the Crown, called the great customs and the petty customs. Those petty customs consisted of a duty on certain articles of a very small amount. That duty which the Crown was entitled to, and was entitled to, as some lawyers have said, by virtue of the prerogative; but as Lord Chief Justice Vaughan, and Sir Matthew Hale, and Blackstone, and other writers of great authority say, granted originally by Act of Parliament, or consent of Parliament, although the record of that is lost, certain petty customs which would be in the power of the Crown to grant, and which would pass under this, and no doubt did pass under that. Those customs continued down to the reign of the 12th of Charles 2; they were then abolished by Act of Parliament, and in lieu of those, a tonnage and poundage granted, a duty on the ship by the ton, and a poundage on certain goods granted by the 12th of Charles 2, which abolished those petty customs. Do you want to know what this means? Does it mean anything of the sort contended for here? By no means. It is perfectly clear the Crown were entitled to customs in the waters of the Mersey, for it was entitled to those customs all over the kingdom. Look, and see what is granted: customs, the King having customs, properly so called, anchorage and quay toll. In some of the documents that have been read in evidence before you, it said, "the custom of anchorage and quay toll"; in some the custom of anchorage *and* quay toll, and in others *or* quay toll; all which is immaterial; anchorage, mind, is paid to the present day; not a town due, but as a distinct toll granted by this charter; and the corporation receive it up to the present hour, perfectly distinct (and it is paid by Mr. Bolton) from any question about these town dues. Look, therefore, at these words. Here is a grant, as they have translated it, of "all customs, anchorage, and quay toll of the water of the Mersey aforesaid, and within the aforesaid town or lordship of Liverpool."

The present action is brought in part for goods landed in Runcorn; and on what ground? On the ground it is within the borough or town and lordship? Not a bit! The only pretence of evidence is, there is some court, the creation of which you have no evidence of, that some court; and under the process of that court they arrest parties at this distance, and they actually claim the toll in the county of Chester. I think the gentleman says, of his own knowledge, he has known persons arrested somewhere down or up this River Mersey, although nothing like the extent to which they claim, and that, not on shore only, but on the river. Then he exercised the office of coroner. The coroner and the jury sit, and must come from the place where the body is found. Why, if the body was washed from anywhere, no matter where, any part of the kingdom, from Ireland, if you please, washed up to Liverpool, the coroner and jury would sit at Liverpool. It is where the body is found that they sit, not where the unfortunate man is drowned. Their jurisdiction does not extend so far as where the unhappy man fell overboard. Their jurisdiction arises where the body is found; and here, under a grant of the town and lordship, and of the customs, anchorage and quay toll of the water of the Mersey within the town and lordship, look at the claim they have set up. I wish they had shown what were the limits of the Custom-house at the time of that grant; to have shown that they were commensurate with what is now comprised within it. Not at all. It is perfectly clear, on every probability of the case, the limits of the port have been altered very recently. I do not mean within the last 40 or 50 years; but recently, as compared with the period of time we are looking at, and recently, with reference to the extraordinary and sudden rise of prosperity of the town of Liverpool. Gentlemen, it will be for you, under his Lordship's direction, to look at this grant. It is for you to recollect that the Crown could grant no toll without granting the benefit to which I have referred; and then, when you look at this, and remember that the King had the petty customs, I ask whether, on this grant, there is the slightest pretence for the claim which my learned friend now sets up, and this is the keystone; this is the foundation; if he has it not here, he has it nowhere. For, although it appears by his books they claimed it, and imposed on themselves, for aught I know, as well as others, under the idea that they had an immemorial right; although it appears by the record put in, in a suit in the Exchequer, that they actually claimed it there as a prescriptive right, did not

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pretend to claim it under this grant, and the record put in shows this is an afterthought; that they have claimed it under a right which don't exist; that they come into a court of justice, and set forward a totally different right. It has been discovered, perhaps by the acuteness and talent of my learned friend, that they had no foundation to rest on; and they turn short round and say, "It is not a prescriptive right; it is under the grant of Charles the Second."

Gentlemen, my learned friend is very formidable in opening a case; he so interweaves his statement, it is difficult for you to recollect afterwards what he said and what he has proved. What said my friend: "There never was a toll hardly that had received such high legal sanction as this. Seldom disputed; always coming off with flying colours; always confirmed." He cannot produce a single instance. I challenged him then, and my friend said he had the honour of holding his first brief with Mr. Erskine when that toll was confirmed.

Sir *James Scarlett.*—Not the tolls. The tolls were not in question.

Mr. Serjeant *Wilde.*—I am wrong; the words my friend used——

Sir *James Scarlett.*—Allow me to beg you will understand me correctly; that was a *quo warranto.*

Mr. Serjeant *Wilde.*—I do *now,* perfectly, and I did *then.* My learned friend's expression was, that he had had the satisfaction, when rocking in the cradle of his reputation, of supporting Mr. Erskine.

Sir *James Scarlett.*] I never said *reputation;* I said *expectation.*

Mr. Serjeant *Wilde.*] I hope you have got both. I know you have both. I hope you have got expectation. I know you have reputation. My friend said he had had the happiness to confirm their title. What had we to do with whether they were a corporation or not; and I will put a little spoke in my friend's wheel. Oh, it is a *quo warranto.* It had nothing to do with that subject. Did anybody dream, when my friend was making that statement of his pride of his having been counsel to the Corporation, and making that grateful return for their protection of his infantine reputation, which has since grown to such mature manhood; did anybody suppose that was in a case that had no relation to this? But, if that is not the case, confirmation, where is the case? You heard of "several cases tried and always confirmed." The case has closed, and there is not one. There is a record which has been produced from the Exchequer. What is that? Why one corporation against another: not very likely to be nice as to tolls. Rather a dangerous subject for the Corporation of London to meddle with, the validity of the tolls. I think, if the Corporation of London had had the great advantage of my friend for their counsel, that it is a great probability that he would have picked a hole in the title of the tolls against them. But, perchance, the same hole might have been in their own robe; and, therefore, the Corporation of London said, "We do not meddle with your tolls, only we are not bound to pay them." That is quite enough for a man to say. I agree with that witness who said, "Not at all burthensome, because I don't pay them." The Corporation of London say, "We say nothing about tolls; the least said on that subject the soonest mended." There are plenty of people all over the world who that dues that are paid to corporations without benefit, being extended equally to that exacted by the toll, is a grievance and unnecessary restraint of trade; taking money out of men's pockets who are labouring and adventuring their property, and spending their time and labour, to put into the pocket of persons, however generous they may be either in entertainments or improvement of buildings; they are doing that at other people's expense.

The Corporation of London, therefore, say, "We are not bound to pay your tolls, because we are members of the Corporation of London;" the whole that was raised in that case, the whole question raised and decided in that case, was whether freemen of London, living out of London, were or were not exempt by their charter, which exempted the citizens of London from payment of tolls generally, and were exempt from the payment of this. It was decided that, although the Corporation of Liverpool might put above 1000 *l.* a year into a man's pocket for any good service they shall think fit to approve by making him a freeman, yet that the Corporation of London, by making a freeman of any gentleman they admire, cannot give him an exemption from the Liverpool tolls if he chooses to go and live at Liverpool. That is the whole. I beg to say, if I had not called your attention to this, could you, from my learned friend's able, powerful, and dexterous manner of mixing his statement, of interweaving that which is fancy with that which is fact,—could you—now, would you have thought—would it have occurred to you, that this never had been brought under discussion in any one case? The case of The Lancaster was a case of two warrants to do with something or another, we know not what, with regard to the election of a common councilman or alderman. The only record that can be mentioned or talked about is the one in which that question never arose. Therefore, I say, when I find that they claimed, as I do by their own books, first as I do by the record they have put in; next that, actually in a court of justice, in How's case, generally called "the Cheesemongers case," which is set out in the record put in, that they actually claimed against them, not under this grant, nor pretended these words gave it; but they claimed as a prescriptive toll, which they know they might safely do then. Perhaps their books, they thought, would support it, or that the Corporation would not deny it, it not being likely the Corporation would enter into a contest about the tolls at all. Now, here is the grant. First of all, I say it never meant to grant any such toll; and I wish to rivet in your memory that this is put in, and is the foundation of the plaintiff's case. All the usage and all the perception is referrred as connected with this. If this grant does not give it, there has not been any one ground

ground stated, upon which the plaintiffs can have a pretence of claim. I say it does not give it, first, because it creates no such toll. The words of the grant are more apt, more apply a great deal to mere petty customs; they are found in connection with other words which have no tendency to give them the enlarged description that my friend, in the discharge of his duty, is bound to contend for on the present occasion, of all customs, anchorages, and quay toll. I say next, it is expressly limited to the waters within the town of Liverpool, and has no such claim as that which is now made, from which you will easily perceive the corporation here have been growing in their claims, and they put it actually on so absurd a ground, as that the extension of the limits of the port for Custom-house purposes is to be the only limitation for their right to these town dues.

Then, gentlemen, it goes on further, what is of great importance; for having described these tolls and market, and so on, the custom, anchorage, and quay toll, it goes on to say, "late in the tenure of Richard Molyneux, knight." The subsequent deeds, gentlemen, do no more than give whatever right was created by this deed, give that over, as consider for the purpose of to-day, to the corporation.

Gentlemen, I have had the corporation book; you see the state of things; you see how little certainty there is of anything adverse to the corporation being preserved. It begins, you observe, with an imperfect leaf. Here is that produced which it has been thought convenient to preserve, and that alone. How stands the toll? How stands the perception here? I am told that the town has been in the habit of appointing customers ever since the year 1551: very odd. I should be very glad to know under what the corporation have been in the habit of collecting, and not what those who were on the spot, possessing all the means of instantly demanding, possessing the power, authority, and influence likely to check objection; but I should like to have known what the Crown had received, or what Sir Richard Molyneux had received before this grant. They have had it. Have they no customer's books? They show me the dates of the customer's books, which show me the gross amount; where is the book with the particulars? They have had a hall, my friend says, and they charge hallage. Bless me, what a name to give. How soon it would pass off for a toll, if it had not been for an Act which I shall have occasion to refer to; there is no doubt they would have called that a toll, because they built a hall at that time, and received goods; on rent, mind; not providing it without rent, mind; do not mistake that. They have creditors and auditors of the customers' accounts. Why is it they have not preserved any of those customer's accounts? What was this received for? You have heard of in-gates and out-gates, and you have heard of the toll of market. I find nothing about in-gates and out-gates here. Here are a pack of names introduced, which cover you do not know what. Here is a restriction in the charter of Henry the 3d for persons to trade, which is void, as I see in the book read. Licence to trade in one of the dates of the account; one of the earliest. What has been received I should be glad to know, even before this grant? What are your in-gates and out-gates? Is it a toll for goods that are brought in land-ways, and which pass out land-ways, which you choose to call the in-gates and out-gates? Have you such a toll? Probably you have. Are you extending that to exports and imports? Goods which are merely put into a warehouse and re-shipped, and sent abroad again. Do not tell me, when you have received tolls of various descriptions, that "We have received toll," and not tell me what; and then make up your accounts in any name you please, calling them in-gates and out-gates, and other town dues, which are done in this way, by the accounts; first of all, "something in-gates and out-gates," and then "town dues," and then in-gates and out-gates, calling them both. There they are, "in-gates and out-gates," and there "town dues." They are wholly indifferent; but amongst all this confusion, how easily it is for them to slip out of that by producing that in support of one rate, which in reality has relation to another. My friend, in complaining of the evidence against him, I observe, says, "Gentlemen, here is a mass of evidence thrown at your heads." That is his expression, without any explanation to you of precisely what the toll is, which he contends they ought to have done, and which I contend they ought to have done, distinctly suggesting, especially as applicable to some distinct authority, When is the first toll we know anything about? Why we find that they had a lease from the Crown, whether Henry the 3d or which other reign I do not at this moment remember.

Sir *James Scarlett*.—Henry the Third.

Mr. Serjeant *Wilde*.—What was received under that I do not know; but allow me to call your attention to this: that if the corporation got into the receipt of certain tolls and dues, it would be most material to see how many they got under that lease, and how many they continued to keep after their lease had expired. It would have been most important; but just look and see, gentlemen; when you come to particulars, we have no particulars, except during the time that the witnesses who have been called since the corporation have possessed; these individuals are called to prove 30, or 40, or 50 years certain tolls and dues have been collected; then he gives the particulars, and not before; and almost as soon as you can hear anything, there is the brass plate ready to stare anybody out of countenance who should attempt to dispute the tolls. What I complain of is this: that when unquestionably the town had some toll, there is no doubt about that, for in an Act of Parliament some time ago, a public Act of Parliament, their toll as they call it, an Act of their own, procuring of course the in-gates and out-gates, were abolished. Nobody of course in Parliament to watch or know what this was, when they found it convenient to pull down certain property, to annihilate the old market, and create a new market for their own benefit and benefit of the town and inhabitants; I fairly admit at the same time, making

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the town more healthy, in giving better buildings, and all that, although it answers their purpose as a speculation, we are not here to deny but that the inhabitants benefit by all that, I only say it has nothing to do with the imposition of this tax; it might be good as a speculation, or good as public spirit, or a mixture of both, with a little taste into the bargain. They had tolls; some of those tolls are abolished by the Act of Parliament. I beg to say, where can I ascertain, or where can you ascertain, which is more material, what tolls and dues were received under those grants to Sir Richard Molyneux, which are to be the foundation of the present? This was not a grant to persons who were unacquainted with the subject; the corporation had had leases, Sir Richard Molyneux had had leases, they knew therefore what the toll was; very odd, that with any such toll as that, there should be such a general, a blank description. I rely, therefore, that the grant passes no such toll, and I say that the evidence of modern usage is totally destructive of it. Gentlemen, what is this toll to be considered? How is it to be imposed? Here is a 1*d.* a bag, or 2*d.* a box, or 4*d.* a packet, and a variety of other things. When did this begin? Is this a prescriptive toll? Give me evidence of it if it is; when did it begin? I should be glad to know the form of the toll; what has my friend proved that is. Certain articles that came, the party taxed and the party receiving settled it together. Did ever anybody hear of a legal toll where the one did not know what he ought to receive, and the other not know what he ought to pay? I have no objection to those who paid it by agreement, go on to pay it by agreement as long as they like. Did anybody ever hear of a toll granted in the form in which this is supported by evidence of a variety of cases imposed by agreement between the parties. A toll must be certain; I admit after the case in which my Lord Chief Justice was of counsel, the Stamford case, that that must be understood, that that must be capable of being rendered certain by some satisfactory test, a reasonable toll. Pray, gentlemen, let me understand what is meant by a reasonable toll; reasonable in regard to what? This is a most important point, it seems, laid down in all the books, that what is a reasonable toll or not, is a question of law; I am indifferent whether it is a question of law or fact. It seems to run through all the books; it is a question of law for the Judge when it comes judicially before him. I beg to know if I am correct in following that authority and, it be a question for my Lord Chief Justice, and equally anxious am I to know if it is for you. With reference, to what am I to collect this reasonableness? Look at that book of toll that is put in. You probably have a knowledge upon the subject; you will find the most arbitrary and capricious mode of taxation that ever was adopted; articles of the same size and the same weight; you will find the articles of the greatest value taxed the least. Now I would be glad to know how such a toll is to be supported, and here you have it, evidently a toll growing from time to time. It is nothing that goods come imported in a package that was never heard of before, or in a form; they will put it in the list, you shall have it there, and so their right to tax will grow with the trade of the country. My first objection being the grant, will not create it; my second being, that there is no consideration proved which would warrant the Crown in granting, or would give the grantee the right. I lastly say on this evidence, the toll carries its own death-warrant; it has every objection which a toll can have; I say further it cannot be supported in any respect as a reasonable toll. What is meant by a reasonable toll? What is proved to be done for it? What is proved to be done? How shall you estimate it when the tax is imposed? And it is said by the law books that the subject is to have a *quid pro quo*; that is to show it is reasonable. Judge of it as we have it; what could have been the reason for granting that which operates as an undefined toll, that it is to be adapted to circumstances? Suppose this; suppose a very limited trade at the time when the toll is imposed, and a large expenditure at that time, you would require a large toll on the goods. Shall that continue when the expenditure becomes very little, and the importation very great? shall that arise to that gross amount, that extravagant, that outrageous amount of 60,000 *l.* a year for doing nothing? Shall we talk in a British court of justice of there being no right in the Crown to tax without a commensurate benefit, and then talk of supporting a toll of 50,000 *l.* a year for nothing? Is a toll always to be moderate? I apprehend it is. I understand a case was before this Court the last term, on which something on that subject passed. A case from the Midland Circuit, Something and Westwood, respecting a market toll. It was from the Home Circuit; I understand, and the Court there intimated that the toll must be reasonable, not only at the time of its imposition, when it was not a certain toll, but it must be reasonable at the time when it comes to be judged of. I say what evidence have you and my Lord to decide when this reasonable toll is to be fixed? When do you believe it was fixed? Look at this place. Illingworth was called to prove an extract from Doomesday. Where is Liverpool in Doomesday? If Liverpool yielded a large revenue to the Crown, or a small one, for whether large or small, if it were at that time in a condition to yield revenue, you would have found it there. You may depend upon it Liverpool is not there, or we should have had it; or if it is there, it is not there with any statement to support the present right. Where then am I to look for this? I cannot find anything by which to assign reasonableness until we come down to the time when the corporation are in receipt of it.

Another question I mean to present to his Lordship's consideration; it is another and a distinct point, and one which strikes me as of great importance. I rely upon this unreasonableness, this fluctuating mode, this taking into account the nature and the quantity, and the use of the articles, and some persons talking about the value. It is plain that every person through whose hand it passes adopts a rule of his own, sometimes the one and sometimes another. I say, therefore, that this toll is uncertain, and I say it is unreasonable, and

I have

I have the best evidence in the world of its being unreasonable. My friend says there is no alteration in it by reducing it. How came it to be reduced? How came it that these tolls were found so great that they were reduced, and voluntarily reduced? Do I want admission they were unreasonable? I know the difficulty of discussing what is a reasonable sum, as I said before, for doing nothing. But by any test, whether the conscience of the corporation, if they have a conscience, although they have no soul; if it be by their conscience, or whatever else it may be, I say I have the admission here they have been excessive. What question did I ask one of the gentlemen of the corporation who have come up and left a great part of their memory behind?

The corporation have so little to do with the docks that I cannot get a word of information about the docks from any of them; it was as bad as a fit of cholera upon them; the moment I mentioned it, although my friend was very splendid upon the subject, they knew nothing about the docks: very seldom go there. Very odd that the corporation officers should be so little informed, and these gentlemen, who have a monstrous good salary for collecting the town dues, and would not have them at all regulated by what the dock people charge. No, to be sure, that would not be right, for the dock people earn their money, and he does not. When I say this gentleman, I do not mean him personally, but the corporation, who take the tolls, and therefore it would afford no test. You who perform some service when you expect a remuneration, you have no common test with a man who does nothing, and gets a great deal for doing it, none at all. But when I put to the gentleman this question, "Do your town dues amount to 4*l.*?" and I put it 8*l.* with respect to one article, which is just as good. "Would you charge on 8*l.* for your town dues upon an article that the docks would render all their services for 4*s.* 6*d.*?" He cannot tell me. Gentlemen, I must confess that I think a gentleman of the experience and intelligence of that individual must have had sufficient knowledge, if I had been greatly out in my mark. If I had shot very well, I think that gentleman would have been able to inform me. What do you think now of a reasonable term for a corporation circumstanced as the Liverpool Corporation is, having nothing on earth to do with that going on in the way of commerce there; having a reasonable toll of 4*l.* or 8*l.*, as it would have been, if it had been, although he says it turned out to be madder, when the dock dues would not be anything like 4*l.* How will you discuss that? Then I say, take him back; look at it; see the rate of charging—you are men of experience—and tell me whether it can be reasonable in any view, although I am utterly at a loss to present what is a test. Shall it be the size of the article? What does that matter if it does not come into your warehouse? What does it matter if I get it from another person's warehouse? Shall it be value? Whatever it may be, it cannot be the service you render. That is the only test the law knows; it is the accommodation and service rendered by the persons entitled to the toll that really forms the test. They do nothing, and they resort to an arbitrary, capricious mode.

But, gentlemen, this case assumes another aspect. My friend has referred to some Act of Parliament; and I beg here to claim his Lordship's attention to what seems to me of very great importance. I will assume for this purpose the tolls to have been well granted. I will assume the tolls to be well in the corporation; but I ask, Can a toll be well supported if the consideration of the toll wholly ceases, whatever it may be? When the statute of Anne passed, to which my learned friend has referred, it recites that Liverpool is an ancient borough, and so on, and that it has now long continued to be of great importance from the number of seamen, and so on. It says: "The entrance into the harbour and port have been found so dangerous and difficult, that great numbers of strangers and others have frequently lost their lives, as well as ships and goods, for want of proper landmarks, buoys, and other directions into the said harbour." Here is a toll claimed for service to be rendered, with a statement sanctioned by the grant of the toll, that, instead of their having made the port convenient, instead of having done the slightest thing to render the public a service, for want even of proper marks, buoys, and other directions, the navigation has been found so difficult that property has been sacrificed and lives destroyed. So much for the state of things of a corporation enjoying a toll, on the condition of making, keeping, and maintaining a proper port and harbour for the sea ships. That is the beginning. How is this to be remedied? By the tolls being applied to their proper object? By no means. It says, it would be a great advantage to have docks and basins, and buoys placed there. Why were they not placed there before; are they not at the corporation expense? But, no. It then goes on, and gives an authority to the corporation to make a dock; and then, gentlemen, how is that to be done? There is a duty. There is a bargain made with the public in the reign of Queen Anne by the Corporation of Liverpool, that, in consideration of a certain rate of tolls, certain docks shall be made whereon vessels shall land their goods; and every ship using that port is compelled to pay that toll. Is it the law, that if a toll be granted in respect of the preserving or maintaining of a port, or of any other service rendered; is it law if the grantee makes a bargain with the public to perform that which he ought to have performed for a given consideration, that when he has done that, that when he gets the tonnage on the vessels, and makes it an absolute fact, he has a right to say, "Now that you are doing what was the consideration for my having the toll that I should do, I still claim the toll." Can he do that? That is the first act. That dock I examined, too. That dock is filled up and gone; that is used for other purposes; some building purposes that were mentioned; but here I have, which is the first act to which I beg to call his Lordship's attention; and which is referred to

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by my friend; here is the first Act of Parliament, by which it is recited, that they had not done that which was the consideration of the toll; that they cannot recover, but only so long as they do it; and they make a new bargain with the public, for which the public have to pay a large toll, in order to preserve their own property and lives; and then my friend says, this is a saving clause. Yes; a saving of what? A saving of the toll, when you withdraw the consideration? Or is it a general saving of their rights as a corporation? Who put it in? They. What is to be the construction? Why, my Lord, over and over again it has been ruled the construction of all clauses for the benefit of Joint Stock Acts, or Acts of this sort, were to be strict against those who obtained the Act, who were bound to assert clearly what their instruction was, and preserve their tolls in terms if it was meant. But what would Parliament say? Are you going to make the public pay twice over? It would have called attention to it; that is the first Act of Parliament. There are several Dock Acts; they are all Public Acts of Parliament; but I beg to call his Lordship's attention to another that was referred to. The next Act upon the subject is an Act to enlarge the powers of that former Act, and which, after reciting the former Act, and the borrowing power, you observe no part of the 800,000 *l.* you heard the corporation owes; that they owe for the improvement of their own town; that they have expended in some way or other in addition to this 50,000 *l.* a year tolls, but all that made the docks is borrowed on the credit of tolls to be paid by the merchant. So here the money is borrowed on the credit of the tonnage of the vessels using the docks; and what have I proved? I have proved that the whole foreign trade of Liverpool, that is the exports and the imports, are all carried on in the docks. I have proved that the shore is of such a nature as that it cannot be carried on elsewhere. The town of Liverpool, the Corporation of Liverpool, have no places where ships can land; no place where the goods can be brought directly into the town, or carried out of the town by way of import and export; you hear it is a shelving shore place, where vessels cannot take the ground. One cannot put me off by some little coasting ships that throw out their stones at low water, and then let them lay for two or three tides, until the carts come down on the Sunday and take them away. It is a shelving shore; no place provided; no possibility of the merchants using it as a landing or shipping place, and the whole trade is carried on in the docks. Then this Act of Parliament goes on and states, "Whereas the trade and shipping of Liverpool has of late years greatly increased, and the ships and vessels of Liverpool are more numerous and of larger dimensions, and require a greater draught of water than heretofore, and that the two wet docks, already made by virtue of the Act, are not sufficient for the reception of ships and vessels resorting thereto, and for the dispatch of unloading and loading the same, and that there is no sufficient depth of water for the protection of King's ships, and also for large ships trading thereto, to go in and out of the said docks unless on high spring tides." Then it recites the necessity of another dock; and in order to remove the difficulty and inconvenience, and to promote trade, another dock is to be made, which other dock is in like manner to be made with money to be borrowed on the security of the tolls; and then, gentlemen, the corporation are made the trustees of the dock; so that they are not owners of the dock in their character of the Corporation of Liverpool; but, although it was the same corporation at the beginning, under the statute of Anne the corporation are made, as trustees, owners of the dock, and take the tolls in another and different right. By the subsequent Act, the merchants thought they would do a little in helping and facilitating, and so on, and, therefore, merchants are joined with certain members of the corporation; a new corporation is created for the purpose of managing the docks, composed in part of the members of the old corporation and merchants joined with them. Under the 2d of George the 3d, chapted 86, it is enacted that the trustees should "as often as occasion should require, well and sufficiently cleanse, scour, open, deepen, widen, straighten, rake up, and cut through any banks, shoals, without impediment whatever;" so that you observe here, actually, what I call his Lordship's attention to is this, that by law the obligation upon the Corporation of Liverpool, if it ever existed,—that by law that obligation is removed from them.

The *Lord Chief Justice.*—The 2d of George the 3d.

Mr. Serjeant *Wilde.*—Yes, chapter 86; that they could no longer, if they ever could,—which I only admit for the sake of the argument,—that they could no longer be prosecuted, and no longer be compelled to do any one act to render the harbour of Liverpool, or the port of Liverpool, at all convenient, or as affording accommodation to the shipping; that that obligation is by the effect of the Act transferred to the Dock Company; they are wholly relieved from the obligation. The question will be, whether they can retain the toll and all the benefit, and be relieved by law from the obligation. There are other clauses that are material. Then there are, of course, the appointment of proper officers. Here is a direction to build lighthouses and other things for the purpose of forming conveniences, all which have separate and distinct dues attached to them, when so to be built, and the docks are vested in the trustees. By section 49, there are powers to make bye-laws. My friend suggests to me, it is a question whether, by reading a public law, I am giving evidence.

Sir *James Scarlett.*—You are reading this as evidence; I conceive you may read a public law to raise a question of law; a public Act, although it is a public Act, need not be printed. If my friend chooses to introduce that Act for the purpose of the facts contained in it, I apprehend that Act is evidence.

Mr. Serjeant *Wilde.*—I am about proving under what obligation, in point of law, my friend's clients rest; as he has left his case, he has shown no repair.

Sir *James Scarlett*—Queen Anne.

Mr.

Mr. Serjeant *Wilde*.—You did what you thought you were entitled to do. I am not putting it on that footing; I am ascertaining whether the corporation rest under the obligation now to do anything to this port, or whether the whole accommodation is not under the obligation of law to be provided by other persons, and on the payment of certain dues, and I never yet heard that a reference to a clause of an Act of Parliament was open to doubt, or that it was to be tried as a matter of evidence.

Sir *James Scarlett*.—I shall claim my reply if you read this; I state it as a warning; his Lordship will decide. I apprehend this is made a public Act only on account of a clause at the end; if it were not for that clause, it would be clearly a private Act. The object of that clause is to prevent the necessity of proving it.

The *Lord Chief Justice*.—I do not think you need argue it now. Mr. Serjeant Wilde is aware you mean to put in that claim.

Mr. Serjeant *Wilde*.—I should be glad to know your Lordship's opinion. I should be glad to understand your Lordship's opinion. Undoubtedly my friend says that.

The *Lord Chief Justice*.—Then we will have it discussed, if you please?

Mr. Serjeant *Wilde*.—My friend says these are not public Acts of Parliament, and would not have been except for the clause at the end; I join issue with my learned friend as to that. This relates to the general trade of the kingdom, to such part of it as either British subjects or foreigners shall think fit to carry into a public open port of the kingdom, and also in relation to offences which may be committed in that port with respect to the shipping. It is not limited in operation in any sense except so far as it relates to the district of Liverpool. It is of general application to all such of His Majesty's subjects as may have occasion, in the prosecution of commerce, to go to this navigable river and to this port. I apprehend that whenever an Act of Parliament operates on His Majesty's subjects in general, that is to say, such portion as may go to any given place, that the nature of the operation of that law makes it a public Act; besides which, I do not apprehend the circumstance of that clause being in varies the effect of it at all. Surely, if this is a public law, your Lordship is supposed, in point of law, to have a knowledge of what is in this Act. Your Lordship observes the clause is, that the judges shall take judicial notice of it.

The *Lord Chief Justice*.—Judges, justices, and all other persons.

Mr. Serjeant *Wilde*.—Yes, my Lord; that this Act shall be admitted and taken to be a public Act; shall be judicially taken notice of as such, by all judges, justices and others, without being specially pleaded. Well, then, my Lord, there is that presumption, and I do not know of any difference in the presumption of law, between this Act and the Stamp Act. If your Lordship is presumed to be cognisant of this Act, surely I have a right to revise your Lordship's recollection of what are the clauses in a public Act.

The *Lord Chief Justice*.—That is so very stongly my impression that I would wish to hear Sir James Scarlett.

Sir *James Scarlett*.—My friend abandons.

Mr. Serjeant *Wilde*.—I abandon nothing.

Sir *James Scarlett*.—If it is put on the ground of being a public Act, on the ground of the subject matter, it would follow every turnpike Act would be a public Act, and it has never been held that an Act for making a turnpike road could be considered as part of the consideration for the judge and jury, without its being given in evidence in order to show the right to the matter claimed under it, and the facts.

The *Lord Chief Justice*.—Have you any case for saying it has been necessary to give evidence of a public Act of Parliament, whether turnpike or any other.

Sir *James Scarlett*.—My Lord, the object of that is, if you look at the clause, to prevent the necessity of pleading it, so as to put it on the record. It will be taken notice of by all persons; if printed by the king's printer it is sufficient evidence of it; a public Act, your Lordship knows, you need never refer to; it is supposed to be part of the law of the land. These clauses, which are to prevent the necessity of special pleading and putting the matter on the record, are to say, without its being upon the record, that the judge and jury, or any person who may exercise a jurisdiction over it, shall take notice of it without the necessity of pleading it; I have never understood that, on that account, any other privilege is given to these Acts of Parliament, or those who use them, than merely they might put them in as evidence without pleading them on record. I have never known any question about it before. If my friend treats this as a public Act, he ought at least to be consistent and say, it is by a public Act of Parliament that the port of Liverpool is said to belong to the Corporation of Liverpool. He now treats the statute of Anne as a private Act, and now treats the other as a public one; with submission, the clause has no other effect than to prevent the necessity of pleading it, but not proving it if it be part of the case of any private individual standing up in a court of justice. Besides, you see, the Act, in its nature, is to create a corporation or a commission of some sort; I presume, from what my friend states of it, it is to enable those commissioners to make a dock. Now, can my learned friend, unless he proves the fact that that dock has been made, say that that Act has been carried into effect. I apprehend, in order to found his right at all, he must show that. If he puts it in, whatever effects exist will not be disputed. Your Lordship sees I stand in this predicament. He is using all these as facts in his case, and calling the attention of the jury to an Act of Parliament respecting docks in Liverpool, without giving me an opportunity of replying and showing other clauses in this Act of Parliament that, perhaps, may remove his whole argument. It follows, if my learned friend is quoting this as matter of law to your Lordship, I have a right to reply on that.

Mr. Serjeant *Wilde*.—That is another matter, I apprehend; my friend is quite mistaken.

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The *Lord Chief Justice.*—Is there any decision that a public Act should be given in evidence?

Mr. *Starkie.*—I am not aware, my Lord; I apprehend the general clause goes no further than this, that it shall be noticed judicially in pleadings; but with respect to matters of fact that may be contained in it, that it then stands upon the footing of any other evidence. I think that seems to have been held so.

The *Lord Chief Justice.*—It is another thing as to the effect of it. My Brother Wilde is using the enactment now as known facts, as part of the existing law.

Mr. Serjeant *Wilde.*—I apprehend my friend is mistaken.

The *Lord Chief Justice.*—It appears to me that it does not give the right of reply.

Mr. Serjeant *Wilde.*—If I could give my friend the reply without the chance of his making you forget all that I have addressed to you, I would not mind it; but he has a great faculty in making the jury forget all that his opponent has said. There is nobody more willing to pay a tribute to his great talent, experience, and knowledge, than I am; yet I confess I should not be afraid of his argument, but I am afraid of my friend rubbing out from your memory what I have stated.

Sir *James Scarlett.*—And I am only afraid of you.

Mr. Serjeant *Wilde.*—I did not know that I could excite fear in my friend. We will now proceed to business. Gentlemen, what I am doing is this: I am calling your attention not to the statements of men, not to those ingeniously woven theories of my friend, but I am calling your attention to one great broad leading principle of law; perhaps I ought rather say to my Lord the Judge; I say, public Acts of Parliament are never given in evidence; you produce them to the Judge just as you produce a law book, to remind him of, as no human head either can or ought to carry all these things in it, for the purpose of showing what is the existing law as my friend's case now stands, my position being, that if a person is entitled to a toll, which must be founded on consideration, and that person shall by law get relieved from all the obligation, then that the law absolutely abrogates and annihilates, and the right to take it falls to the ground, unless it be expressly reserved by the Act of Parliament. I do not want any facts in this case. I do not want to prove any particular facts by the Act of Parliament, except that the legislature has chosen to state them as the foundation of the law. If I could blot out from the Act——

Sir *James Scarlett.*—Your Lordship asked for a case: I will cite one. The decision was exactly as I apprehended; it is the report of a case at Nisi Prius; the very case of Brett *v.* Beales, which my friend has done me the honour, not quite necessarily, of reading what was supposed to be spoken by me upon that occasion. On that occasion an Act was offered in evidence; it was objected to as not being evidence, because the nature of it did not make it evidence; on which the reply was, that it was evidence, and could not but be received, for that it contained this clause, that the Act should be deemed and taken to be a public Act, and should be judicially taken notice of by all judges, justices, and others, without being specially pleaded. It was an Act for making a canal. The objection being taken, it was discussed before my Lord Tenterden. I will not repeat my argument. Lord Tenterden says, "The point is quite new; of great importance, as it will apply to so large a class of suits. I will consult my learned brothers on it to-morrow morning, as the case will not finish to-night." On the morning of the 17th his Lordship did so; and on the return into Court, he said, "Two grounds have been laid for the admission of this evidence; the one, that the concluding clause renders it admissible as a public Act; the other, that, even independent of that clause, it is so from its nature. The answer given to the first was, that the clause only applied to the form of pleading, and did not vary the general nature and operation of the Act. I was inclined to that opinion at the time, and my learned brothers agree with me in that impression; we also think that the second ground fails. It is said that the Bill gives a power of levying a toll on all the King's subjects, and therefore the Act is public. The power given is not so extensive; it is only to levy the tolls on such as shall think fit to use the navigation. The ground, therefore, on which it is said the Act is public, and the evidence admissible, fails, and I cannot receive it." There the objection was to its being introduced in that case at all, not to the mode of proof. If it could be introduced at all, that clause, saying it should be a public Act, and receivable as such, would have made the tender of it sufficient evidence. It is a Nisi Prius report of the point determined by Lord Tenterden.

Mr. Serjeant *Wilde.*—The first half-dozen lines pretty well explain what this is. This is the fact. My learned friend, I observe, objected to an Act of Parliament of the corporation of some canal company being read in evidence to prove that the Corporation of Cambridge are entitled to certain tolls, and those tolls would probably be diminished by the establishment of the navigation, and provides for the letting of those by auction; it then proceeds to empower the parties to recover tonnage for all goods which should be carried, and that the directors should have power to alter the rates, and the Act should be deemed a public Act. I would call your Lordship's attention to the wide difference, as far as east and west can be from each other, between that case and the present. That only shows that my learned friend did that which he was not by law entitled to do just now, when he read the Act of Parliament that he referred to to show they were owners of the port, that the corporation were owners of the port; this is put in for the purpose of proving the title of the Corporation of Cambridge to certain tolls. My friend then objects, most properly I apprehend, to the receipt of the evidence. I did not object to the evidence for this reason; it seemed to me, if it were read it amounted to nothing, and therefore it was not worth occupying the time in objecting. The question there, my Lord, simply was this, whether

whether an Act of Parliament obtained by a canal company, or whatever else which makes an assertion of the title of some other person to some matters, whether that is proper evidence of that title.

The *Lord Chief Justice.*—In favour of that person. You are quoting from an Act of Parliament that was not given in evidence, the 2d of George the 3d.

Mr. Serjeant *Wilde.*—Yes, my Lord. I rather think the Act Sir James did use will as well answer my purpose. I wish to confine it to the right of going further. This was a question of evidence, but distinct from the question now raised. That question of evidence was a general question; it was one that had been decided over and over again. It has been decided repeatedly that assertions or averments in an Act of Parliament respecting the title of certain persons stand upon the same footing as an allegation in a private deed. It has been decided over and over again; and that a canal company or a corporation, by putting in an Act of Parliament addressed to other general objects, statements respecting their own title, is not evidence for that purpose. That is, that the Corporation of Liverpool have done nothing by inducing my friend to read the Act of Parliament in evidence, which says they are owners of the port, which is just what I was saying, if your Lordship will do me the favour to look at that case.

The *Lord Chief Justice.*—There it was discussed before Lord Tenterden, with the other Judges, whether from the nature of that law itself it was law, and therefore to be noticed as law, and not as matter of evidence; and therefore, if you refer to any such Act for a fact, it does appear to me that this is very much an authority for saying——

Mr. Serjeant *Wilde.*—If your Lordship will look at it.

The *Lord Chief Justice.*—It may not be evidence for a particular point.

Mr. Serjeant *Wilde.*—The town of Cambridge were parties to that case, claiming title to tolls. The question was simply this: Whether the Act of Parliament could be given in evidence at all? What are the grounds which not only require the Judge to take judicial notice of it, but goes beyond it, and says the party shall not prove it before him; it is not evidence. Those circumstances palpably introduce a new and different state of things, and it must be looked at to see to what it relates. It is given in evidence as to title-deeds. That is the way it is given in evidence. The question is, whether it properly proves a title-deed? Instead of putting in a grant of tolls, they put in an Act, not which gives the tolls, but an Act for another purpose, in which there is a collateral recital that they are entitled to the tolls. The question is, whether that Act of Parliament, which no man alive can doubt, might have been given in evidence for any general purpose quite independent of any clause at the end as to its being a public Act or not. It is clear it might be given in evidence except for the evidence of the title of a particular person. The decision there is no more than this; not that my friend is entitled to a reply if I read these Acts,—but that I have no right to read them at all,—but that if I put them in to the officer that they cannot be read.

The *Lord Chief Justice.*—Not if he objects to them.

Mr. Serjeant *Wilde.*—That is the case with all evidence.

The *Lord Chief Justice.*—Supposing the objection is raised.

Mr. Serjeant *Wilde.*—To try the principle, I must suppose, that which may not improperly be supposed, that the parties will object to what is not receivable in point of law. Then, I beg to know whether that is not a decision, that a certain Act, which was a public Act, could not be read by the rules of evidence in favour of a party who produced it? Now, I say, if that be the decision, that that which is declared to be a public Act shall not be read in evidence at all, which must be the foundation of that? Could it rest upon any foundation that applies to this case? Is it not on a foundation universally known, and to which I have referred, that this Act of Parliament cannot be used for the collateral purpose of proving title? Not only they do not prove it, but they are not receivable in evidence for the purpose of proving it.

Now, my Lord, unless that decision goes to the extent that if my friend thinks fit to object to my handing these Acts to the officer and having them read, if the Act of Parliament does not go to that extent, I apprehend it shows it does not apply to that; that is a totally different question; that is purely a question of evidence; that is, whether the Corporation of Cambridge did put in what they call a title-deed in the shape of an Act of Parliament to make a canal; but the Court said for this purpose it is not evidence, and cannot be read. Your Lordship then observes it was handed to the officer to be read, and the objection was that it was not evidence, and, as it appears to me, goes wholly beside the present question, when I am not producing it to prove any title in me at all. I am producing it not for a collateral purpose, but for the direct purpose for which it was made, namely, the creation of these docks and so on; and where, therefore, it is said it is for such persons as choose to use the navigation, that is in itself, although I am deserting the real point, which is (it was on a question of evidence the objection arose), it was not evidence of title. But there is a great difference between a private navigation that people may use or not, and the use of a public port. This tax is imposed upon all vessels which shall use that public port, and that navigable river of the Mersey, which, therefore, puts it upon a very different footing from that Act. But I beg to call your Lordship's attention to this, that that case has no application to the present, but it was a question merely whether a private Act could be used as evidence of title for persons who were collaterally interested in the Act, and that was rejected as evidence altogether, and not to be read. That went to the extent of showing it could have no application to the question. As to my right to read this, I apprehend there can be no manner of doubt.

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Sir *James Scarlett.*—My Lord, if I thought——

The *Lord Chief Justice.*—The Judges have consulted about it, and considered it as a matter of great importance with the view to a class of evidence affected by their decision. Lord Tenterden does not decide it at all with reference to the object for which it is produced, but merely on the question if it is not made a public Act; that is considered on the two points, first, by the clause calling it a public Act, of which he disposes, saying that only dispenses with specially pleading it; secondly, upon the ground that it is said to be a Bill giving the power to levy tolls on all the King's subjects, and therefore the Act is public; he says the power is not so extensive; it is only to levy tolls on persons who think fit to use the navigation. Then it may be said that this is as to such as think fit to use that public port, and that they use it as a public port; whether that makes a difference is the only point; otherwise, in my opinion, this decision is altogether against.

Mr. Serjeant *Wilde.*—When it is discussed about being a public Act, it is discussed with reference to a public matter. He says this is a public Act which dispenses with the necessity of pleading as to what is, I apprehend, the question before the court, which was, whether it could be read in evidence.

The *Lord Chief Justice.*—That would be the case if the canal were never made. It is possible the dock might never have been made.

Mr. Serjeant *Wilde.*—Will your Lordship see whether Lord Tenterden's judgment goes to the effect of saying, if it applies to the subject, that I cannot read this in evidence?

The *Lord Chief Justice.*—Yes, I think it does.

Sir *James Scarlett.*—If you cannot read them in evidence, you ought not to read them in your address to the jury.

Mr. Serjeant *Wilde.*—Of course, I should have submitted it was possible that that ever could be the ruling; that, for the general purposes of the Act, and not for the collateral purpose of proving title, you cannot read an Act of this sort in evidence.

Sir *James Scarlett.*—I do not say whether it will be evidence in this cause or not until I see what it is. I apprehend what I gave in evidence had relation to the matter in hand. The case of the canal company was one in which the Corporation of Cambridge had no interest; but it seems a clause was introduced in the Act to make a declaration respecting their rights. I ventured to treat that as a private Act, that would have no more the effect of evidence in favour of their rights than as a private deed, between the same parties. The answer was, there is a clause making it a public Act, and it is also public from its nature. Your Lordship has the decision on those answers. I do not deny that what my learned friend has in his hand may be evidence; if it be evidence, he may use them as evidence. What I say is, he ought not to use them, and make his partial comments on them without putting them in evidence, that I may have the opportunity of replying, and showing the jury other clauses.

The *Lord Chief Justice.*—It seems to me you are giving evidence if you are reading those clauses.

Mr. Serjeant *Wilde.*—It is quite enough for me to use the Acts my friend has put in evidence.

Sir *James Scarlett.*—Two.

Mr. Serjeant *Wilde.*—Three: the 29th George the 3d, clause 29; the 8th Anne, chapter 12th; the 8th George the 3d.

Sir *James Scarlett.*—You may read them all.

Mr. Serjeant *Wilde.*—For this point, it is quite enough for me to read the Acts which have been read; and one Act that my learned friend referred to is the Act of the 8th of Anne. That I have called his Lordship's attention to as an Act of Parliament which has the effect of relieving the Corporation of Liverpool from any obligation, if they had been under any, to procure landing-places, or to maintain the harbour and port of Liverpool. I have called your attention to that, and his Lordship's, and pointed out that there is an express toll or tonnage received for that accommodation. I will now pass to the next Act that my learned friend referred to; and the clause that he read was clause 29. That clause, gentlemen, my learned friend has been good enough to prove for me, is not only not proof of the fact for which it was offered, namely, that they were the owners of the port; but it is not even evidence; it is not entitled even to be read, supposing my learned friend to be right. I conceive that decision shows that, for the purpose for which he used it, it cannot be read, and is not evidence; that if you were passing an Act to-morrow, in a Bill of yours, which was declared to be a public Act of Parliament, and you should happen to put in it a recital that you were the owner of my house; I apprehend it is quite clear that if we should go to law about it next term, you would not put that Act of Parliament in evidence. My learned friend puts this in for the purpose of proving it is a port. Another instance of my learned friend's skill; you observe he excluded it when such a thing was offered against him in the Cambridge case; he includes it, and inserts it now he wants it on the present occasion; here it is *valeat quantum.* I say it amounts to nothing. This Act of Parliament does not for the purpose of title operate more than deeds between private parties being produced against third persons, who are neither parties nor privies.

The *Lord Chief Justice.*—If you had objected to that, it would have been almost a case in point.

Mr. Serjeant *Wilde.*—And I apprehend I might well have objected. I could not object to my friend reading the whole statute book, except he wished to get an estate by it, then I could. The Act of Parliament, to which my friend has referred, after reciting the former Act of Parliament, goes on to state, that owing to the increase of trade in that port, there is not sufficient room for the reception and protection of vessels belonging to or resorting to that

that port; and that there is a necessity for two additional wet docks, or other works; and it is expedient certain regulations should be made in regard to the said port for the safety and accommodation of ships and vessels resorting thereto." The first observation I make upon that Act is this. There is a declaration by Parliament, procured by these parties themselves, that the harbour of Liverpool will not afford accommodation for the shipping. Are they entitled? Is any grantee of tolls entitled to a toll on property which he cannot accommodate merely for the purpose of the toll? If the owner of Covent-garden market, the Duke of Bedford, should say to the owners of any carts coming there, "I cannot accommodate you, but if you will pay a certain sum of money, accommodation will be provided;" could the Duke of Bedford recover his toll? I submit he could not. Then the Act of Parliament proceeds to apply certain land for the purpose of making docks, and gives powers to make those docks, and that upon the ground so appropriated, and which should be kept in repair, certain streets should be made, and a power to increase the dock dues not exceeding double the amount. "That if the mayor, aldermen, bailiff, and common councilmen," that is, in their character as trustees for the dock, mind, because they have a totally distinct character given to them here, "shall at any time find it necessary to increase these docks dues, they shall do so, not exceeding double the rate, so long as the docks and other works to be provided by this and the other Acts, and the former docks included, are in good repair; which said tonnage and duties," and so on, shall be paid in the manner directed; that manner being in support of the docks and the improvement of the port. Then there is a power to raise money on the mortgage of the tolls; and then the land to be purchased by the corporation is vested in them for the purposes of this Act, and therefore the corporation have no right to apply the land to any other purpose than that of making the docks. Now, this Act of Parliament recites the statute of Anne, and several other Acts of Parliament, which therefore show what had been going on, and that new docks had been provided from time to time. The result of that is this. There is a Dock Company established, of which the corporation are the trustees. Gentlemen, this Act of Parliament makes the dock trustees the corporation dock trustees. You will therefore not blend their character of the corporation of Liverpool in regard to their own estate and the corporation of Liverpool as dock trustees. Is or not the effect of this Act of Parliament to prove that the consideration upon which alone the original grant of the toll could be supported, namely, the consideration of finding a landing-place and of maintaining the port? Is that, or not, withdrawn from the corporation? Have they got rid of it by this Act of Parliament, and have they compelled the public to purchase that accommodation for a totally distinct consideration? How stands the fact? as it is proved that Mr. Bolton has not landed a single article upon any part of the town or lordship of Liverpool, except those docks be considered as part of the town and lordship of Liverpool, where by law he was entitled to land upon payment of a specific consideration. It further stands, Gentlemen, upon the evidence, that not only are the merchants obliged to pay the tonnage on them specially imposed by that Act of Parliament, but also certain dock rates upon their goods. What those rates are, by what authority imposed, you do not know; whether by Act of Parliament, the discussion which has just occurred precludes you from knowing; but the fact that dock dues are paid upon all goods that are landed, and that an enormous sum is raised, and that the corporation pay nothing for the support of them, is proved. Here is, therefore, the recital that the corporation have not provided proper places for landing; here is the fact of the docks being in existence; where the whole trade is carried on, here is the fact of dock dues being paid by the merchant; the fact of the corporation not in any respect contributing to it. Here, I say, is the result, or not, in point of law, that the whole consideration for which those tolls were granted is withdrawn; not only withdrawn in fact, but I say in point of legal obligation; for you observe, if a toll is granted to a person for your passing over a road through a particular gate, or passing a ferry, or anything else, the same law which gives the party the right to the toll gives you an action against him, if you sustain any damage by his not performing the obligation for which the toll is given. His right to the toll is established by a law which at the same time imposes the obligation to which I have referred.

Now, after this Act of Parliament with respect to these docks, I ask, can it for a moment be doubted whether a man may say, "I will not go into the docks"? It is very true I must pay the tonnage whether I do or not. I have a fancy for it. I will not go into the docks. I will bring an action against the corporation, because they have built all along this place. Here is a shelving shore, and no ship can take the ground here, except a stone vessel, or a salt vessel, or something of that sort. If I unload in the stream, you see by the Act what dangers I am exposed to. I call upon the corporation to give me a landing-place and accommodation. After that Act I beg to know whether any such action could be brought. I submit to his Lordship it could not. What is the effect of the circumstance of a toll having been granted to this extent if the corporation be themselves the trustees of another place for another consideration to provide this accommodation? how stands their right to the toll? My learned friend has nothing to rely on but a saving clause. There is that general saving clause, which I say amounts to nothing, as applied to this subject. If you wish to impose a tax upon the public, you must take care to keep up your right. A general saving of the rights and immunities, and franchises, and so on, of the corporation, which would neither call the attention of Parliament nor the public to the retention of a toll when the public was made to pay a new price and an additional price for all that the toll was to purchase; such a thing cannot be.

Now, how stands the clause in the Act that my friend has referred to? "That nothing

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in this Act shall extend or be considered to extend in any manner to alter, abridge, lessen or change the right, jurisdiction, authority, or power of the mayor, aldermen, bailiffs, or council of the said borough, or any of them, in, about, or concerning, or in respect of the docks and harbour of Liverpool, as the same are settled and vested in them by the said hereinbefore-recited Acts respectively, or otherwise howsoever." That is to say, their rights, and so on, as created by these Acts of Parliament, or otherwise howsoever as to these docks, are uninjured. What is that? Is that to have the effect which I have so often referred to, of preserving a separate and independent right to which the attention of Parliament is not called, and are so outrageous as this? It goes on with respect to other persons; the Earls of Derby, the representatives of the Duke of Lancaster, and a variety of other things; preserves all their rights; that is to say, it is the common course. If a corporation goes itself to Parliament for the purpose of procuring an Act of Parliament, or any body else, nothing is more common than to insert a general clause of that sort, which would have no relation to the preservation of a right; which right, I say, is destroyed by the fact that the obligation to do that which formed the consideration of the toll has ceased in point of law; and I say it has also ceased by the fact, that a new and different accommodation is provided for, and that is to be paid for as a separate and independent rate.

Well, then, gentlemen, I apprehend that that is law, upon which you will receive his Lordship's directions. And it appears to me a very grave matter, deserving of being considered in the most important form in which such matters can be discussed. I ask you first, and I pray his Lordship to be good enough, if it appears to him to be right, to ask of you, whether the corporation do now provide the means for ships to export and import in the town of Liverpool? whether that is provided for toll, or whether the merchants now are obliged to go into the docks for the purpose of loading and unloading the goods? there being no place in the port where they can do it with reasonable safety or convenience. Those facts are clear and undisputed. Mr. Bolton's goods are foreign produce, coming in ships, not light stone ships, that could throw their cargoes overboard. You can see what the articles are; you hear it is a shelving shore; you hear no such thing is ever heard of; and there is no place where such a thing could be discharged. Let this toll, therefore, be what it may, if the town of Liverpool is in that situation that the shipping can no longer be accommodated, I say that the toll is gone.

Gentlemen, nothing in this part of the case applies to the evidence which has been given with regard to the perception; but I beg just to call his Lordship's attention, in passing, that the first lease that we have any evidence of is a lease granted in 1557; the first lease to the corporation. When had they their customer; when were they collecting tolls? 1553, that is, four years before they got the lease. Did they get the lease to cover some rights which they were exercising without any just and legal title, or can the appointment of a customer in the year 1553 be referred to a lease in 1557? Do you want an explanation? Refer to the record they put in last night, where you find they claim all these matters by prescription, by some old charter, or beyond the time of legal memory; you there find distinctly what will account for this. That in respect to some market tolls, in respect of some transit tolls in the town, some tolls of fairs or other, they had been in the habit of appointing a collector, whom they dignify as a customer, because, I suppose, he had collected the King's customs formerly for the Crown while in the Crown. Is it not plain, that, for the purpose of collecting other tolls than those which are now claimed, this customer had been appointed in 1553? how long before we do not know. When you find the fact that there is a collection and a receipt, and a regular officer appointed, and that not as for the first time,—when you find all that before the title commences, I ask you, whether you can do anything more than say, this is an attempt to engraft on the title, when they got it, dues and tolls which did not arise under that grant which they had antecedently, but which they now seek to justify and maintain under the title which they subsequently acquired. That renders the whole consistent. When you take the terms of the grant, you will not find it covers these tolls; you can account for the argument endeavouring to extend it by the fact of their antecedent collection.

Gentlemen, my learned friend said he thought I had referred to his speech unnecessarily. I think not. When a learned counsel, like my learned friend, stands up and tells a jury and the judge that the best conduct they can observe is to give his client a verdict; and that, on general principles, if that same individual should have asserted, when standing in an opposite relation, a different principle, and one much more consistent with the law, is it or not fair that I should repel the attempt by authority, if authority can exist anywhere but in the court, to lead your minds, or the mind of any one, to the adoption of a toll like this, on the especial ground principally, of your preserving existing rights? It is an existing right at this moment to have no tax imposed on you but by law, and you are as much preserving the law, and giving effect to it,—aye, and much more; for the principles of law require strict examination into tolls of this description, which there is an attempt in all ages to impose; they are growing every day; corporations are employed constantly in entering them into their books. In making this sort of collection and appointing officers; they get it, when they can, for a certain time, the majority resisting; the majority die off, and fall off; the power of the corporation goes; they enforce the duty; they increase it; at last it comes forwards as a right. I therefore say that the law which my friend would have you to administer, requires that you should take care that the subject be not taxed and his property taken from him, but by the authority of the law clearly made out. Is there any point more important than to see that persons, under pretence of grants from the Crown, do not claim that which the Crown never granted to them? I say that is the situation of my learned friend; the whole

whole onus rests upon those who came to tax the public. To be sure, if ever a case was presented to judicial interposition that was deserving of attention, it be one where merchants by their own vigour and enterprise have increased the property of a town to the extent which you have heard; where no money is spared to purchase accommodation, and at the end of it there is a claim for no service rendered upon earth, no accommodation provided for 50,000 *l.* a year. My friend says it is the greatest case that ever was tried. It is great in amount, but in principle it is infinitely beyond anything embarked in the amount here. Let not your minds be led astray by any general topic to support tolls to give to persons or corporations, no matter which, 50,000 *l.* a year out of the profits of others, when they neither appropriate land nor render the least service. I say that the principle on which your verdict must turn is one of immense importance. There are many tolls existing at this moment throughout the country, legally and properly existing, and calling for the support of courts of justice, judges, and juries. It is the law that, if the grantees of those tolls think fit to neglect their duty by little and by little, or do not think it worth their while to entitle themselves to the toll by meeting the increased demands of the public, shall they look forward to the day when their whole obligation and duty shall cease; when they shall have driven the public for themselves the accommodations they ought to extend; and may they look forward for those halcyon days when they can put 50,000 *l.* a year into their pockets, and do nothing for it. In point of principle, 50,000 *l.* is claimed at Liverpool, but which I hope, and which I believe is not very improbable, may amount to 100,000 *l.* a year. No man can prescribe the limits to it if the law be such as to sanction a claim when the whole consideration is withdrawn. I say a principle infinitely more important must abide your decision, although 50,000 *l.* a year of itself is important. Can it be said a court of justice gravely that a town due or ingate or outgate—can it be said a gentleman should be called upon to pay 1,000 *l.* a year, for that the toll is no burthen. To have a gentleman get up and say gravely in a court of justice, "My neighbour is paying 1,000 *l.* a year out of his pocket, but that is no burthen imposed upon him." Gentlemen, look at the demand in this case; the demand is 400 *l.* for a few weeks; the neighbours of this gentleman paying nothing. Gentlemen, when it is said it is no burthen, what is meant? Is it meant the consumer pays so large a profit to Mr. Bolton on his property that he can pay 1,000 *l.* a year, and not feel anything; can such a doctrine be supported?

Then with reference to the convenience and accommodation, have I not shown that the convenience and accommodation which is thrown into the scale has nothing on earth to do with it? Whether he pays this or not, he will have the same accommodation; the merchants will have their docks, must pay their dues and tonnage, must pay their anchorage, whether they have to pay this 50,000 *l.* in dues or not. It is true, the improvement of the town of Liverpool, my friend says, may stop, that is, the corporation will not apply their own money, only the funds and monies of the public for it; if it means anything, it means that although the improvement of the town may stop, if they have got that spirit for improvement, they have property which has also induced them to afford great benefit and accommodation, and so on, to the public; yet the trade of Liverpool will not stop. I suppose the merchants will not be poorer; fewer merchants will not go to Liverpool because they get rid of the payment of 50,000 *l.*, and an increasing sum. What merchants less will go there? How will the prosperity of Liverpool be affected by this? The Corporation of Liverpool, for aught I know, may rejoice in the annihilation of 50,000 *l.* a year, for the increase of trade may give such additional value to their own estates, that they may gain more than they lose by it. This is clear, it will be the annihilation of a toll unjustly exacted ever since the statute of Anne, without their affording the slightest accommodation, and among all their books, which you observe they dignify by the name of the Record Books; among all their books and papers, or whatever else there is, there is an utter destitution of this—there is not a record or a voucher to prove a sixpence was ever laid out for the benefit of the public; of that you have not a tittle of evidence; it is just as bare as it is of evidence of what was received before the grant. This is the principle, therefore, on which I resist this toll on the part of Mr. Bolton, who is said to be an American merchant, and that this defence is got up at New York. What is meant by that? Mr. Bolton is an English merchant, never out of the kingdom in his life, only for a few months: he sits by me. What is meant by that? Do the Corporation of Liverpool suppose the address to a British jury on the question of their right to 50,000 *l.* of tolls, and by a sneer at New York, and that by putting Mr. Bolton's defence as being got up at New York, they can put 50,000 *l.* into their pockets? Might it not be as well spared by the liberality of the corporation, even if it had been a New York defence, for which there is not a tittle of evidence. Mr. Bolton has been for years residing at Liverpool, he has been paying these tolls for years; something has occurred which induces him to call upon them to show their rights to the toll.

Here I am to-day, having heard all this mass of deeds, nine-tenths of which do not prove anything upon the subject; I do not think it necessary to go over them. The greater part of them merely place the estate where it is not disputed it is, and the rest grant in general terms the being here to discuss what those general terms cover. Here we are; consider what expense and what trouble we have been at, to become acquainted with how they have their titles. Look at the record. A claim hitherto made as a title by prescription, a sharp turn short about, and a claim under a grant of Charles the First. We come here to hear and see what their title is upon the disclosure of it; we see that upon the law and upon the merits, for this is not a technical or a legal objection, it is a broad substantial one; we say you ask 50,000 *l.* a year; show something for it; show what you do for it;

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show what you give for it; at least show under what law, what stringent law it is, that in England property can be taken to the extent of 50,000*l.* a year from one set of men to be put into the pockets of another. I hope and trust that the legal ground here is one founded on strict justice, that merchants who are not freemen may retain in their pockets the sum which has hitherto been exacted from them. I hope the legal defence is founded in justice, and none can be entitled to more consideration at the hands of a jury than the merchant, who says, "The toll was imposed upon me in consideration of certain benefits being given by parties who have not only ceased to afford any such benefit, but have got relieved by law, and everything is purchased at a much higher rate, and at this moment I am paying that higher rate for all the accommodation I require."

Gentlemen, I can only say, on the part of my friend, that no jury ever will do its duty better than when it is watching with justice and care the rise and growth, and progress, and foundation of a right to tax the public under circumstances like the present. In the Cambridge case, although they did not pave one street, when the toll was claimed they alleged they paid another; but here I say we have nothing but what we pay for. I therefore submit to you, if you are of opinion that they do not find any landing-place, if my Lord thinks it is a question of reasonableness or unreasonableness; if, as you must, you find this unreasonable, for there is no test by which you can consider this to be reasonable, and it is plain it never was intended; for when you come to look at that book, and see the rate is taxed, and the rate copper is taxed, you will find it is perfectly arbitrary and capricious from the beginning to the end. I call your attention, for the last time, to the evidence of perception; what is that is claimed and what has been received is all in the time of the corporation since that grant. The question is, what the person referred to—Molyneux—had taken; that which he had taken is alone granted. Look at it in its terms; it is not calculated to support this rate. And, though I freely admit usage is often of great importance, yet, remember, usage is of importance to lead you to surmise and conjecture that which is granted. But, as you may be unable to discover it, my learned friend relieves you from that. Here is the grant. The usage, I say, refers not to what they were entitled to under that grant, but to an antecedent course of exactions, which had arisen out of their possessing some tolls, ingates and outgates, and other things, of which you have heard, but their right to which had ceased, but which they had extended to a much greater length than the law warrants. And I submit, in point of law, as well as justice, the corporation have established no title to these tolls.

The Lord Chief Justice in Summing up.

Gentlemen of the Jury—

The Mayor and Corporation of Liverpool are the plaintiffs in this case, and they sue the defendant for a certain port duty, which they say they have a right to claim in respect of the importation of certain goods which it is admitted the defendant had imported, and on certain others which they also admit to have exported, and the only question is on the right; and with respect to the two branches in which it is claimed as to imports and exports, it does not seem to me there is any difference in the evidence on which a remark can be found. In order to establish that right, the plaintiffs have gone back from the present period for a great number of years, to show in what manner these dues have been received; but the whole burthen of proof, as you have you have been truly told, rests on them; it is for them to show from the first a legal origin for this right, and then it is to show and satisfy you they have, in point of fact, received it. However, I need not observe, I dare say, to gentlemen of your intelligence, that a very long existence in a right so claimed is in itself very considerable evidence of its being in truth acknowledged, and therefore the only question would be whether in point of law it can exist.

Now, it seems to me, the best mode in which we can dispose of this important case, is by my telling you what my view of the law on this subject is, and putting you the questions simply on the facts. I am of opinion that this right may have had a legal origin. I am of opinion that these tolls may be reasonable, although the corporation have not done anything for the purpose of keeping up the port, because I take the origin of this toll to be the dedication of a certain port to the public purposes of trade, and not as necessitating on their part the doing any particular act from time to time, in order to keep that port navigable for the general convenience.

I am not aware that there is any other point of law which I need set out to you, but I shall state all that does occur to me as distinctly as I possibly can, in the hope that if I should make any mistake on this great subject, that may be corrected, and that the just principle of law will be laid down both for the decision of this case, and for an example to guide future courts of justice in all others that may resemble it.

Now, in the first instance, gentlemen, it is proved by an entry from Doomsday Book, that at a very early period, that is, in the reign of William the First, the Crown was in possession of this town of Liverpool; of the land on which it stands the expression is, "That in Chestershire the bishop holds the same city of the king; it pertains to his bishoprick. All the rest of the land of the county, Hugh, the earl, holds of the king, with his men;" and then, beyond the county of Chesnire, which is so disposed of, the entry goes

goes on to say, "The land between the Ribble and the Mersey Roger of Poictou held; now the king holds it." Appendix, No. 12.

At that time, therefore, you have that record of great antiquity, and of value, stating that the king holds the land between the Ribble and the Mersey at that early period, and the land between the Ribble and the Mersey clearly includes the town of Liverpool, the spot on which that town now stands.

The second document that is put in is called a "confirmation to Henry Fitzwarine," and it is a charter of John, when he was King of England, that he has granted by his charter "to Henry Fitzwarine, of Lancaster, the lands which King Henry, my father, gave to Warine, his father, for his service, to wit, Ravenswoles, Amnolusdal, and the French Lea, and eight pence rent, in the borough of Preston, and the English Lea which we have given to him in exchange for Liverpool and Uplitherland, which the aforesaid Henry, my father, had given with the aforesaid lands to the aforesaid Warine, his father, and which the said Henry hath remised to us and our heirs," and so on.

That is for the purpose of showing King John gave to him, in exchange for Liverpool and Uplitherland, certain lands which are there mentioned, so that Liverpool was then known by its name, as it was at that period received by the king in exchange for something he received from one of his subjects.

Then that is in the ninth year of King John; and the next document that is put in is in the 13th year of his successor, Henry the Third, and that is the first charter that appears granted to the burgesses of Liverpool; it is called the Charter of Liberties.

Now the important words which are used in this charter are for the purpose of showing at that early period there was something existing in a separate shape, under the name of Customs. I had better read the whole to you perhaps. "Henry, by the grace of God, King of England, Duke of Normandy and Aquitaine, Earl of Anjou, to the archbishops, bishops, abbots, friars, earls, barons, justiciaries, sheriffs, reeves, ministers, and to all his bailiffs and faithful people, greeting; know ye that we have granted, and by this our charter do confirm." It appears to me that this is not the original grant, or the earliest that existed, but it had reference to some former state of things that must have been under some former grant. He says, "We have granted and by this our charter do confirm, that our town of Liverpool shall be a free borough for ever, and that the burgesses of the same borough may have a guild merchant, with a house and other liberties, and free customs to that guild pertaining; and that no one who shall not be of that guild shall traffic in any merchandise, unless by the consent of the same burgesses."

On that some observation has been made, and probably that clause of the charter might not be sustainable in point of law, but I do not apprehend that would affect its other provisions.

Then he says, "We have granted to the same burgesses and their heirs that they may have certain rights, and they shall be quit throughout our whole realm, and throughout all the parts of the sea, of toll and other things, and that they shall do no suit of county courts or wapentake courts for their tenures, which they hold within the borough aforesaid."

Treating them as a distinct borough, therefore.

"And also we have granted to the same burgesses and to their heirs, that whatsoever merchants shall come to the borough aforesaid with their merchandizes, of whatsoever place they may be, whether foreigners or others, who shall be in our peace, or shall come into our realm by our licence, may safely and securely come to the aforesaid borough with their merchandizes and there safely dwell, and thence safely depart, rendering therefore the right and due customs."

Now it is argued, those may be only the customs due to the Crown, but undoubtedly there was no necessity for making a reservation of that sort in a charter between the Crown and any corporation; and therefore it seems to me probable the meaning of that is, that the render was to be made to that corporation of customs that might be due.

I should observe the word turned into the word "rendered" is *faciendo*, that is, doing, performing, "the right and due customs;" but it seems to me that paying dues may be one of the modes of performing those customs, and then the question will be on all the evidence, whether there has been those acts done which I think may be intended by the word employed in that grant.

Also he says, "We forbid that any one shall do injury, damage or grievance to the aforesaid burgesses, upon forfeiture to us of 10*l.*: wherefore we will and firmly command that the aforesaid town of Liverpool be a free borough, and that the aforesaid burgesses may have the aforesaid guild merchant, with an house and other liberties, and free customs to that guild pertaining, and that they may have all other free customs and acquittances as is aforesaid."

From which I should rather infer that there had been a guild before that period, and nothing is more usual as to charters of kings, than to make a grant along with a confirmation, which grant may have reference to pre-existing rights, and therefore although in the terms of the granting, as if it were together new, may in point of fact refer to that which was existing before.

The next document put in is from the records of the Chancery in the Tower of London, the patent roll of the 13th, the same year of King Henry the Third, in which he states to the sheriffs and bailiffs of the county of Lancaster that he has granted to the honest men of Liverpool, "Our town of Liverpool, to be held at farm from the feast of Saint Michael, in the 13th year of our reign, unto the end of four complete years, rendering therefore unto

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us in each of the aforesaid years, at our Exchequer, by the hands of the sheriff of Lancaster, at two terms, 10*l.*"

Then he points out in what way it is to be received, so that the king had granted in farm to the burgesses of Liverpool that town, and they were to hold it, and to pay a certain rent to the Crown for it.

The next record is in the 13th year of King Henry the Third.

"The king hath granted, and by his charter confirmed to R. Earl of Chester and Lincoln, the whole land which he hath between the Ribble and the Mersey, that is to say, the town of West Derby, with the wapentake and all their appurtenances, the borough of Liverpool with the appurtenances," and so on, "with all the liberties and free customs to the aforesaid lands, wapentake, borough, hays, forests, pertaining, as is more fully contained in the King's charters to him thereof made; and it is commanded to the sheriff of Lancaster that he should cause the same earl to have without delay, full seizin of the aforesaid lands, wapentakes, borough, with all the appurtenances in demesnes, forests, hays, homages, services, and all other appurtenances, with all liberties and free customs to the aforesaid lands, wapentakes, borough, hays, forests appertaining." R., the earl there, I suppose is placed in the situation of the king; he became the reversioner, and was seised in fee of that town which the king had previously leased out to the burgesses of the town for four years.

The next document produced is of the 38th year of the same reign of Henry the Third, and that states the king hath granted to Prince Edward (afterwards Edward the First), the custody of all the lands which were of William de Ferrows, late Earl of Derby, to be had into full age and in guardianship, that is, of the eldest son of the Earl, and he was therefore to have the benefit of all the lands granted to him during the minority of that person.

I do not think there is any particular expression arising in that.

Well then, the next is, "Among the records in the treasury of the court of receipt of the Exchequer," and in the roll endorsed "Roll of accounts of lands of Lord Edward, in the 41st year of the reign of King Henry his father," the same king, it is contained as follows: the account of the bailiffs of Lord Edward, first begotten of the illustrious King of England, audited at the Exchequer at Bristol, before the Lords, Richard Abbot of Kingswood, Galfrey de Cour and Elias de Cumber, treasurers, and Thomas de Boulton, clerk, for the issues of the lands of the said Lord Edward in the 41st year of the reign of the king aforesaid, West Derbyshire. Liverpool, with the members Henry de Lee bailiff, renders account for the aforesaid time. The same renders account of 10*l.* for the town of Liverpool, set to farm with the tolls, stallage, passage, with two watermills and one wind-mill, and for 3*s.* 9*d.* for the rent of two messuages for the term of the Annunciation, and for 66*s.* 1½*d.*, for the rents of assize of Cuateby and Waverton, for the term of the Nativity, and that same sum for another term.

That mentions Liverpool with the members, and it mentions in every sort of way, and by the words toll, stallage, passage, with water-mills.

Then the next is the same reign, the 50th year of that reign, and that is a grant to Edward, our most dear son, the castles and all the lands and tenements which were of Robert de Ferrars, who, it seems, had been attainted of high treason.

Edmund, the King's son, is stated to have granted to him the castles and all the lands and tenements that were the property of the aforesaid Robert, which are not very important to the present purpose, because I should state, it appears to me the title is properly deduced to the Corporation of Liverpool; whatever was possessed by the Molyneux has come into the Corporation of Liverpool; and therefore it appears to me, for the purpose of this action, that they are the proper plaintiffs to recover any tolls and town dues that may be due by virtue of the possession of that town and its members; and therefore I do not go through this for the purpose of showing what I conceive the title to be, but for the purpose of showing in what manner the town is described, and whether there are words which entitle you to suppose, and which do, in fact, convince you that there were such customs as those which have been received for this great length of time.

Then the next document is an inquisition taken on the death of the said Lord Edmund, and which is an act done to ascertain the extent of the property of which any tenant of the Crown has died seised. The jury are summoned to give an account of that property, and among other things they enumerate the town of Liverpool; and they state it in this way: they say the rents of assize of Liverpool are worth so much a year, so much also the herbage of the garden; with the dovehouses so much; and the passage over the Mersey 26*s.* 8*d.*; and there are two mills, one a water-mill and the other a wind-mill, and they are worth by the year five marks: and then it says, "the fairs and tolls of the market, with foreign tolls, are worth about 10*l.* The tolls of the market is 'tolueta,' and there is forensica tolueta with foreign tolls;" and it appears to me, which is all I am bound to say on this occasion, that those foreign tolls may well describe certain port tolls to be paid by merchants, and may well fall in with the kind of receipts you have heard proved, in point of fact, on the present occasion.

Then there is an extract from the Pleas of the Crown, which was taken in the 20th of Edward the 1st, and they relate to wreck of the sea in the port of Liverpool.

The object is to show the town had a jurisdiction over the port; that when the town is said to have had members, this port may have been one of its members; and there is no evidence of anything being treated as a member of the borough of Liverpool, unless these waters forming the harbour be such. It is said the township of Liverpool comes by 12 jurors. Concerning wreck of the sea, they say that a certain ship, which belonged to Peter-le-Poer, was wrecked in the port of Liverpool in a certain place called Crosseby Chart, and William de Alkmundbury took away certain of the goods of the said Peter

which

which were wreck of the sea, and detained them to his own use, and it is not known by what warrant; therefore it is commanded to the sheriff that he cause him to come. Afterwards the aforesaid William came, and made fine of half a mark by pledges of Adam de Tatelock and John de La More of Liverpool.

Here is, on the part of the town of Liverpool, some proof that a ship which was wrecked in the port of Liverpool was their property; that is, that they had some authority to collect what was wrecked there, and so furnishing you with some evidence that the port of Liverpool was a member of their town—was one of the things appertaining to their town.

The next document seems to me to be of no very great consequence on the present occasion; it only shows the existence of the bailiff of Liverpool in that year of Edward the Third. In the 1st year of Edward the Third, there is a general order to all the ports of England to prevent religious persons passing out of the kingdom, and it is recorded that the bailiffs of certain ports were written to to that effect, and among whom appear the bailiffs of Liverpool. That does not appear to me to add much to this point, because there is no doubt the town of Liverpool was existing at this time. I think I may make the same remark on the next document, which is an order for detaining in port all ships carrying the burden of 50 tons of wine and upwards, and causing the same to be fitted out for war, and among the persons ordered to do this the bailiff of the town of Liverpool appears.

The next document is among the records of the Court of Chancery in the Tower of London, the 35th year of King Edward the Third, and that shows the King makes some provision for his son Lionel Earl of Ulster, going over to Ireland against his enemies; and then the whole navy is to be competently armed and sent, with all speed, to the ports of Liverpool or Chester. Whether that is to carry it further, and to show Liverpool a distinct port from Chester, and to show also it was a port in that time of great consideration, I presume that must be the object with which that is introduced. In other respects, it adds no more to the existence of the port than at that time the port of Liverpool was a port of great importance.

In the 47th year of King Edward the Third, "The King to all, &c., admirals," and so on, "has assigned to press, without delay, all ships of the burthen of 20 tons and upwards to 200 tons in the Port of Bristol, and in all ports and places from thence to the port of the town of Liverpool, and to cause the same to be brought to the said port of Liverpool."

Now the port of the town of Liverpool is there stated; I cannot say there, I think, that raises any inference of the port being a part of the town of Liverpool, specifically so stated as a member or appurtenant to it, because it seems to me that is a very natural mode in which the port of Liverpool should be identified; it would be called the port of the town whether it belonged to the town, or the King, or any other person, and therefore, perhaps, that ought not to be taken as going further than to show the port of Liverpool at that time was considerable.

The next is a document from the Duchy of Lancaster; and there the King, which is Henry the Sixth, at a distance now of a good number of years,—this brings it to 1444, the 22d of Henry the Sixth, I think, above 100 years after the former period,—there the King, "by the advice and consent of his council of the Duchy of Lancaster, hath delivered, and to farm let, to Thomas de Lathome, esquire, the fee farm of his town of Liverpool, in the county of Lancaster, with all manner of appurtenances, profits, and commodities to the same town belonging, save and except to the same King, and his heirs, his park of Toxteth to the same town adjoining, and the profits of turbary of the said King, called the Oldernesse, and one messuage, with its appurtenances, which Henry Bowker, deceased, lately held by the grant of Henry, late King of England, father of the aforesaid lord the King, and except the prisage of wines within the port of the town aforesaid."

I must own, that appears to me to be a document of very great importance, because the prisage of wine is an ancient custom of great importance vested in the Crown, and therefore when the King, by the Duke of Lancaster, grants to Liverpool the fee farm of his town of Liverpool, with all manner of appurtenances, except the prisage of wine within the port of the town aforesaid, it should appear that all the rest, at least, was granted at that period. The King reserves to himself that important article of the prisage of wines, and letting out to him who farms the town of Liverpool the other duties which were existing at that time. I am not aware, however, that that proves the King was not himself the owner of those duties at that time, because he might abstain from mentioning them, on account of their being vested in some other party.

Mr Serjeant *Wilde*.—Allow me to call your attention to this part of Lord Hale, who expressly lays down that general words would not carry the prisage of wines.

The *Lord Chief Justice*.—I recollect that that is *de portibus maris*.

Mr. Serjeant *Wilde*.—It is clear that by an express charter of the King prisage may be claimed by a subject, as well in point of inheritance as for a term of years, and this has been agreed in all those cases where the King's farmer of prisage has been the plaintiff or defendant, but which, as in the case of a descent, and so much more in the case of a grant, there must be an express mention of prisage; general words, as *omnes consuetudines* or customs, will not carry the royal franchise.

Sir *James Scarlett*.—I submit the argument is the same. They thought it would, and therefore it carried the residue; it shows that they thought it would.

Mr. Serjeant *Wilde*.—The King "thinking," if that is the legal construction.

The *Lord Chief Justice*.—I believe there is nothing else in the document worth calling the attention of the jury to.

The next is from the "Roll of Indentures of the Chancery of Edward the Fourth, King of

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of England and France, of his Duchy of Lancaster. The King, with the advice and consent of his council of his Duchy of Lancaster, has granted, delivered, and to farm let to Edmund Cross a certain town called Liverpool, parcel of his Duchy of Lancaster, in the county of Lancaster, together with two corn-mills, and all franchises, customs, and liberties whatsoever, and with all other appurtenances to the same town anciently due or belonging; To have and to hold the said town, and also the two corn-mills, with all franchises, customs, and liberties to the same town anciently due or belonging."

So that there you have the customs and franchises so described; and if you find any reason to think, either from the late perception or from the early mention of this thing, that such was existing at that time, here are words, you see, sufficient to carry it on, the word "customs" being there employed.

Then on the 20th of February in the 14th of Edward the Fourth, 1475, there "The King, by the advice and assent of his council of his Duchy of Lancaster, hath granted, delivered, and to farm let to Henry Crosse, gentleman, the town and lordship of Liverpool, with the appurtenances, in the county of Lancaster, and also one windmill called Akersmylne, and another windmill called Wartvermylne, in the county aforesaid, parcel of the duchy aforesaid; To have and to hold the town and lordship aforesaid, and other the premises, with the appurtenances, to the aforesaid Henry and his assigns, from the Feast of St. Michael the Archangel last past before the date of these presents until the end of the term of ten years thence next following, and fully to be completed, rendering therefore yearly to the beforenamed lord the King and his heirs 16 *l.* of lawful money; that is to say, for the town and lordship aforesaid, with the appurtenances, 14*l.*, and for the said mill 20*s.*, and another mill 20*s.*" I think nothing is mentioned there beyond the word appurtenances; so that that does not appear to raise any argument in favour of the claim.

Then in the 4th year of Charles the First the King conveyed to the mayor and commonalty of Liverpool a very large portion of his possessions, including among the rest certain of the duchy, and in that the town and lordship of Liverpool, and it is in these words: "All that his town and lordship of Liverpool, parcel of the honor of Lancaster, in the aforesaid county of Lancaster, with every their rights, members, and appurtenances, and all that boat and passage over the water of Mersey there, and the butchers' shambles in the said town of Liverpool, and all the stallage and tolls of the markets and fairs, with the perquisites of the courts in Liverpool aforesaid, and all the customs, anchorage, and quay toll of the water of Mersey aforesaid, and within the aforesaid town or lordship of Liverpool aforesaid."

Now, gentlemen, it is admitted that the anchorage and quay toll, as it is called, which is a keel toll—some payment made on the bottom of each ship, and so taken for each—it is admitted that these are due and payable to the town of Liverpool, to the Corporation of Liverpool, and that perhaps may be taken as some evidence that they had a great interest in the port of Liverpool, and that they therefore had some payment on that account; and in addition to this anchorage and quay toll all the customs are also mentioned; so that there is containing some sort of grant, provided you are satisfied that these customs have been received from an early period. That is, the town of Liverpool is to be holden under the indenture, with every their rights, members, and appurtenances, to the said King Charles, his heirs or successors, rendering a certain rent, which it does not appear to me to be important. On the 4th of December 1635, there the persons to whom King Charles made that conveyance as trustees for the Corporation of Liverpool, Ditchfield and others, conveyed, in consideration of 450 *l.* by the said Richard Lord Molyneux paid to their hands, conveyed to that Lord Molyneux all the town and lordship of Liverpool, parcel of the duchy of Lancaster, in the county of Lancaster, with all their rights, members and appurtenances, and all that ferry and passage over the water of Mersey there, and the butchers' shambles in the said town of Liverpool, and also the stallage and tolls of the markets and fairs, with perquisites of courts in Liverpool aforesaid, and all customs, anchorage and key toll of the water of Mersey aforesaid, and within the aforesaid town or lordship of Liverpool aforesaid, then or late in the tenure or occupation of Sir Richard Molyneux.

The next to that is a lease for 1,000 years from Tatlock, who, I think, appeared there in some shape or other; he is surveyor of some of the trustees; that is a lease for 1,000 years to the Corporation of Liverpool; it is leased to them in 1672 by the name of the town and lordship of Liverpool, and the customs, anchorage, and quay toll, and all the hereditaments and premises comprised in the hereinbefore abstracted indenture of bargain and sale, and in the said letters patent, except the ferry boats and cattelage, and passage over the said water or river of Mersey, and all and every the burgage rents within the said town and borough of Liverpool, to hold, except as before excepted, unto the said several persons parties thereto.

And then again, in 1700, the thing is carried on, and ultimately the corporation became purchasers of the reversion after that 1,000 years, so that in fact they have become the possessors of that which Lord Molyneux had purchased of the grantees of Charles in the year 1777; the same words were used; they cease to have the same importance that they had in the earlier documents, when they must be taken to have some meaning, and may certainly have had the meaning which would convey the sort of toll which has been proved to you to have been received.

Then you are carried back to an earlier period, in order to show leases by the Duchy of Lancaster of the town of Liverpool, and all these things; and in the 20th year of King Henry the Eighth, it appears that one Alice Gruff, widow, and Henry Ackers, became lessees of the town of Liverpool; they took the farm of the town and lordship of Liverpool, with the

the appurtenances, and also the farm of one boat, and the passage of the waters of Mersey, also the farm of the butchers' shambles there, and the farm of the stallage and tolls of the markets and fairs, with the perquisites of the court there, also the farm of the customs and anchorage, or keyl toll of the water of Mersey, within the lordship of Liverpool aforesaid, and the farm of one corn mill;" all these things, the farm of the customs and anchorage, or keyl toll of the water of Mersey to be held for a certain period.

Then on the 15th of March, the 21st of Henry the Eighth, they were to hold it for 20 years; the next year the said Henry Ackers, that is the person who took it with Alice Gruff, he made over his lease, and exactly in the same words, "customs, tolls, flesh shambles and ferry-boat belonging to and beforetimes accustomed and used; to have, hold and perceive all and every the aforesaid customs, tolls, and so on;" so that they were conveyed in the same words as by the former lease.

Then on the 28th of Henry the Eighth, the same thing occurs there, "The King lets to Thomas Holersofte, esquire, the town and lordship of Liverpool, in the county of Lancaster; also one boat and the passage over the water of Mersey, and the butchers' shambles there; and also the stallage and tolls of the mart and fairs, with perquisites of courts in Liverpool aforesaid, also the customs and anchorage or keel toll of the waters of Mersey within the lordship of Liverpool aforesaid."

Then the 31st of Henry the Eighth, an indenture between Sir William Molyneux and Christopher Hoghe, mayor of Liverpool; in the year 1539 that is; and the lease whereby Thomas Hoghe and others leased to Molyneux the said town and lordship of Liverpool, and all other the premises to the said Sir William Molyneux, his executors and assigns, so-and-so; "and Sir William Molyneux had granted and to farm let to the said mayor, the moiety or half of the town of Liverpool, with the appurtenances, in the said county of Lancaster; and also the moiety or half of the yearly profits coming and growing of one boat and passage over the water of the Mersey, and of the flesh shambles there; and also the moiety and half of the yearly profits of the stallage and toll of the market and fairs, with the perquisite of the court in Liverpool aforesaid; and also the moiety or half of the yearly profits of the customs and anchorage or keel toll of the water of Mersey within the lordship beforesaid; To have and to hold the moiety or half of the yearly profits of the said town and lordship beforesaid, and the moiety or half of the yearly profits of all and every other the premises, with the appurtenances, to the said mayor and other beforenamed of the said town of Liverpool."

This is, in fact, a lease by Sir William Molyneux to the mayor of the town of Liverpool, the mayor and burgesses, of a half of the customs among other things. Probably it was found very wise to give them an interest in the collection of them; they most likely could do it with much greater effect, and probably whosoever had the other half had a good deal more in consequence of their being lessees of the moiety.

Then in the same year, the same reign, the 37th year of that reign, the King hath let to Sir William Molyneux the town and lordship of Liverpool; that whereas he let formerly to Hoghe, now he lets it to Sir William Molyneux; that is, six years after the former one, it is let in the same language, the passage of the ferry-boat over the Mersey, and so on, markets and fairs, with the perquisites of the court in Liverpool aforesaid, and also of the customs and anchorage or keel toll of the water of Mersey.

Then at a subsequent period, in the 38th of Henry the Eighth, Sir William Molyneux, of Sefton, in the county of Lancaster, knight, and Richard Molyneux, esquire, son and heir apparent of the said Sir William, on the one part, and Edmund Gee, of Chester, on the other part; Sir William and Richard Molyneux let to Edmund Gee the moiety or half of the town and lordship of Liverpool, with the appurtenances; and also the moiety or half of the yearly profits of the flesh shambles, stallage, and toll of the market of Liverpool aforesaid; and also the moiety or half of the yearly profits of the custom and anchorage or keel toll; and again "customs and anchorage or keel toll."

The same language occurs in Edward Sixth and Philip and Mary; 5th of Philip and Mary: I do not see any date to that; it is in the reign of Philip and Mary.

Mr. *Illingworth.*—The 1st of Philip and Mary.

The *Lord Chief Justice.*—And there also the conveyance is, among other things, of the custom and anchorage or keel toll of the water of Mersey, and there that occurs as often as it is necessary to mention.

Then on the 7th of October, the 4th and 5th of Philip and Mary, 1557, by indenture of lease of this date between Sir Richard Molyneux, knight, and William Molyneux, son and heir of the said Richard of the one part, and John Moore, mayor of the town of Liverpool, and others, of the other part; they the said Sir Richard and William have demised and set, and to farm let unto the said mayor and burgesses of the said town and borough of Liverpool the farm of the said town and borough, with all and singular the issues, profits, and commodities arising, coming, and growing within the said town or borough, which they the said Sir Richard, or any of them, have or ought to have by reason of a lease and demise thereof unto them made under the seal of the Duchy of Lancaster, for one year, yielding and paying the sum of so-and-so. "All and singular the issues, profits, and commodities arising, coming, and growing," that is the only description of the thing let; therefore if the customs were let at the same time, and enjoyed under this, it must have been by reference to former grants making those part of the issues of the town and borough.

It was observed by my brother Wilde, in the course of his address, they appointed their first receiver in 1553, and it does not appear they had any lease until 1557. I rather think

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that is a mistake, in point of fact, for at least half were let at an earlier period, some time in Henry the Eighth's time; and they certainly had a right to appoint their officer to receive the tolls and duties when they were only entitled to half.

Mr. *Kelly*.—I think your Lordship will find the lease of the moiety had expired before the appointment of the customers; it was for 14 years, and it expired two or three years before.

The *Lord Chief Justice*.—I do not think we are to take for granted we know the history of the particular leases made on the occasion; it is quite enough, supposing some of the ancient documents, after they became useless, were thrown aside, to show there was an interest in the party at an early period, consistent with the mode in which he appears to have enjoyed and exercised his rights after that period; and I think it would be no strong thing to call on you to presume in 1553 there was an officer duly appointed to receive an interest which they really had, if they appear to have had an interest of some kind both before and shortly after.

Then, gentlemen, they became the lessees of the town of Liverpool from the Molyneux in 1557; at that time the corporation became the lessees of the town, and all the issues and profits to the town belonging, and then it appears in the time of Queen Elizabeth, under the seal of the Duchy of Lancaster, an indenture between the Most excellent Princess the Lady Elizabeth, of the one part, and Richard Molyneux, knight, Serjeant of the said Lady the Queen, and son of William Molyneux, esquire, of the other part, and that recites, I think, that whereas the Lord Philip and the Lady Mary had granted to them the butchers' shambles, and all these other things, and so on; now the effect of this is mentioning the ferry-boat, stallage and toll aforesaid, customs and anchorage, and keel tolls; this was a surrender of a lease and a grant of a new one, but the description is exactly the same as in the earlier documents.

And then the lease of the year 1604, in the 2d year of James the First, which was the year 1606; then he grants the town with the boat, flesh shambles, and the perquisites of courts and customs of the waters of the Mersey. The value of the old documents which are produced (and it seems to me that they do keep most distinctly to it) is, that they speak of fairs of tolls and market, and something by the name of "customs," which, as I have observed more than once, may well describe the sort of port duties that are in question.

Then a document of another description is put in of 1609. There is laid before you a book of accounts of one Nicholas Fazakerley, who appears to have been the steward employed by the Molyneux family; it is thus described: "The book of account of Nicholas Fazakerley, for all such sums of money as he hath received for his master, Sir Richard Molyneux, knight, for one whole year ended at Martinmas, in the seventh year of the reign of King James, the now King, and of Scotland 43d, 1609;" and it says in the margin, "Custom of Liverpool," and in the book itself, "Received the 25th day of July, of Roger Hey, one of the bailiffs there, for one half-year's rent, due at Midsummer last, 10*l*."

I do not know the word "Customs" has any great effect there. That can only show what was passing in his mind; that was only a statement of half a year's rent he received at the time. Another Nicholas Fazakerley appears in 1671: he gives "A true and perfect account of all sum and sums of money received and paid by Nicholas Fazakerley, receiver of the rents and revenues belonging to the Right Honorable Caryll, Lord Viscount Molyneux, in the county of Lancaster;" and on the 4th of June 1673, here is this entry: "Received of John Pluckington of the rents there due in the new street, last year, 5*l*. October 22d. Received more of him of the rents there due this year, and for burgage rents, 12*l*. 15*s*.;" which are of no importance, except that burgage rents are conveyed by same instrument before. "October 3, 1673. Received of the bailiffs of Liverpool the rent due to my lord from the town, for one year ended at Michaelmas last, according to a lease granted by my lord to the town, 30*l*. Received of William Nicholls, for rent of the boats for one year ended at Midsummer 1673, 8*l*."

Well, then, gentlemen, we go to some of the corporation books, which it appears to me to be absolutely necessary for us to receive and look at, because they are the only records of those ancient proceedings; and although the corporation is a party, and may have an interest in falsifying those records of what passed, yet, unless you see some particular imputation or motive of fraud on particular entries, I do not apprehend you would form that supposition; and indeed the learned Serjeant did not rest his case on that ground; he stated some objection, in point of law, to their being received; it seems to me they are receivable, and fit to be received with that view.

In the mayoralty of one John Cross, that then one Peter de Starkie was appointed something: "Came before the mayor, Peter de Starkie, Thomas Wignall, and Thomas Rose, and they acknowledged themselves to owe to the Queen such a sum of money on the condition on which that recognizance is granted; and if the above bounden Peter Starkie shall well and truly from time to time, during such time as he shall use and enjoy the office of the customer of the town of Liverpool, collect, levy, receive, and take all and every such customs and other duties, ancient and accustomed whatsoever, which in any wise, and by any manner of person or persons, shall be due and payable unto the said town, by him to be received and gathered by reason or in respect of his said office of customer; and if also the said Peter Starkie shall and will well and truly, from time to time during the time aforesaid, yield and pay unto the officers of this town to whom it shall appertain to receive the same, all and every such customs duties and sums of money as

as by him shall be collected and received, or otherwise come to his hand, for and in consideration of his said office, when and so often as he shall be thereunto reasonably called or required, then the bond is to be void." Appendix, No. 12.

The object of that is, to show in that early day, 1581, there was a person appointed by the town, not appointed to receive the King's custom as a mere custom-house officer, but a person actually appointed by the town, and giving a bond to the mayor that he would duly account for all such customs as might come to his hands for their benefit. If this appears to be a genuine entry, it appears to me to prove beyond all doubt there was a person appointed for that purpose, for the purpose of receiving customs and town dues. Then it appears there was a person who had coloured some foreigners' goods, inasmuch as freemen are exempted from this payment; all those being freemen who lent this name to exempt goods of others from these duties, were visited in some way by the corporation for so doing. "At a council held the 9th of December 1724, John Goodwin, mayor. This council being acquainted that Mr. Benjamin Darbie, who has loaden several ships with rock salt coastwise for Tapsham and other places, now lying at the town-side, refused to pay the town's customs for such rock salt, although he is not a freeman of this borough: and that thereupon Mr. Mayor gave directions yesterday to seize six bushels on board the ship called 'The Neptune,' Samuel Moran, master; and that Thomas Charnock, who is deputy water-bailiff, taking to his assistance James Lewthwait and Thomas Welkinson, did thereon seize six bushels for the town's customs. It is ordered that they all be indemnified and defended therein by the corporation.—At a council held the 31st January 1725, William Marsden, mayor, and Benjamin Darbie having commenced a suit against Mr. Alderman Goodwin, the late mayor, and others, for causing some rock salt to be seized on his refusing to pay the town's customs, it is ordered that Mr. Norris, Mr. Moorcroft, Mr. Seacome, Mr. Tyrer, and Mr. Cowe be desired to consider of and give instructions for a proper defence to be made therein, and that the town clerk do solicit the same at London, and prepare a proper brief, and take the opinion of the counsel learned in the law thereon."

I was mistaken in supposing that was for colouring foreigners' goods; that was a person who refused to pay the town's customs, and on that refusal it appears he was to be sued; and they were to maintain their rights; and it does not appear any resistance has been made, either then or at any other period, until a late one, or under the peculiar circumstances to which I shall have occasion presently to refer; it ended in Mr. Darbie praying an accommodation, and praying to be admitted free of this borough; he is ordered so to be, paying 25 guineas.

Then came orders relative to disfranchisement for colouring foreigners' goods; they appear as early as 1623: "Peter Darbie, gentleman, being mayor, at which day consideration being had of presentment made by the jury the 9th day of December last, concerning Richard Bird, being one of the council of the town, his concealing foreigners' goods to the hinderance of the town's custom, under colour of his own goods: It is concluded and agreed that the said Richard Bird shall be excluded from the common council of this town and his freedom. Item, Whereas Richard Bird was one of the four merchant praisers, and now being by this assembly disfranchised, John Walker, gentleman, is elected in his place."

That shows it was a matter of importance; there was a jealousy entertained of freemen who improperly lent their name to protect the goods of those not free, and who were subject, it is said, to this duty.

Then there is an entry much at large as to Thomas Marshall, who is called on in the same way to answer; and the consequence of that is, that he is also disfranchised for having done the same; and so the same course with respect to William Cross, a barber, a freeman of this town, he, in his own person, appears and confesses he is guilty, and he is disfranchised and expulsed from his freedom of this Borough and Corporation of Liverpool. A similar charge is made against Corfe, a butcher of the town; and this council not being satisfied that such charge was well founded, do therefore think it necessary before they proceed thereon, that the grounds be investigated.

Something of that sort occurs at a recent period, not later than 1824, when the same thing appears to have been once or twice acted on; it does not appear those were numerous; I do not know whether we have all there were.

Now it appears as early as the early part of the 17th century, some of the freemen were visited for preventing the town from receiving dues of some sort, and I think one can hardly state it can be denied they were dues of this very description.

The next evidence is to show from time to time auditors were appointed for the purpose of auditing the report of the customers. Undoubtedly they would be so, if the customer received any considerable sum for the benefit of the town; and it appears as early as the year 1571, I think, such auditors were appointed, and the customers' accounts were submitted to their investigation. I do not know that it is necessary I should go through any of those particularly. It appears it has gone on even to a later period. Then it seems, in 1713, a Mr. Nathan Smith was appointed town customer; he was continued town customer; the same person was continued in the following year, and the same person again in 1715. And then the records of the corporation state an order that Mr. Richard Aldersey be empowered to collect the town customs during pleasure, and have an allowance of 1*s.* in the pound for all he receives, and give security for his due performance; that is in 1734. Then he was continued from year to year, and then in 1761 Mr. Lawrence Spencer is elected town's customer in the place and stead of Mr. Aldersey. Then from 1761 Mr. Lawrence Spencer continued until 1779. Then Henry Hamer was appointed expressly to fill his

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place. From that 1779 for eight years Mr. Hamer continued, and then a Mr. James Clemans was appointed receiver of the town's duties. In the year 1787, in the room of Mr. Henry Hamer, he continued, as we have been told to-day, until 1796. Then Mr. William Crosbie, junior, was appointed to succeed the late Mr. Alderman Clemans; and when Mr. Alderman Crosbie died, Mr. Corrie, who has been here to-day, appears by this entry, and his own evidence, to be appointed to take the place of that Mr. Crosbie. And accordingly these gentlemen from time to time were receiving all these customs in a way that they detail afterwards in their evidence.

Then it also appears treasurers were appointed from 1716 to the year 1820; we have a list of those who were appointed treasurers, and the object of putting that in is to introduce certain names, which appear to be the names of treasurers who were mentioned in the course of the parol evidence with reference to this collection.

Then comes the parol evidence, which begins with Mr. Okell; he was cross-examined as to some points that appeared in the books, and he says: The town customer was pretty generally appointed among the other annual officers and treasurer also in later times. I believe I have read all the audits in the book; there are some others I have not read. Then it appears the audits are not all the same form, in some instances they go through the whole accounts, and some not; in other instances they only summed up the cash-book; the presumption is, the accounts had been laid before them so as to convince them the cash-book was correct in some other way.

Then he says the town's customer is first mentioned in the old book, and mention is made of an audit in this book as early as 1558. In 1558 there is an entry: Came Robert Watts with his account of the customs. Then he is cross-examined about a point which was a good deal discussed. Certain docks in Liverpool, not all ships that came to Liverpool, unload in the docks, some do in the stream; then it appears those that unload in the stream are loaded with the sort of article that would not suffer by the water coming over them, such as slates and things of that description, which might as well be left there as not, but all goods of value must come into the docks in order to be unloaded.

Then Mr. Sudlow is called, who comes from the treasurer's office in Liverpool, where he has been for 17 years; has kept a book of receipts and disbursements, regularly audited every year. I find one of a similar description, going back as far as Trafford's treasurership, and Trafford was appointed in 1720; he went out in 1734, having been elected in 1720. So that between 1720 and 1734 there is a book found in the office; an account current; no cash-book extant; all supposed to be destroyed in the fire, 1795; this is the book of Trafford's time; no signature of Trafford attached to it; auditors have all, in my time, been members of the common council. The treasurer, usually a member of the common council; the entry in the book, "March 25. Received of Nathan Smith, in full of town duties to this day, 8*l.* 2*s.* 3½*d.*," and then also a receipt at Midsummer, and another at Michaelmas, coming to a considerable sum, many hundred pounds. Then another entry paying some poundage for receiving the town duties for the last quarter. Then Lawrence Spencer's books, who was an early collector, are put in. Then Mr. Brooks is called, who remembers certain persons. I know the handwriting of Lawrence Spencer and Henry Hamer and James Clemans, and his clerk and collector, Mr. Rushton; often seen Spencer collect the dues paid to him at his official desk; he received the town dues as well as the customs before he passed ships officially; he made an entry in that book when he received the money; Hamer succeeded to both offices, and conducted both businesses in the same manner.

There is a very strong observation made on the great advantage which a corporation possess in making a claim of town dues, by getting the Custom-house officer to act as their collector, and undoubtedly that is a very fit subject for your consideration, when you are weighing the degree of value that ought to be given to the non-resistance of the parties who are charged, because, and undoubtedly if they show every appearance of public authority, combined to prevent their insisting paying these dues, particularly when there is a power of distress at hand, often exercised to enforce the payment, then it is argued their acquiescence under such circumstances is much less strong than it would be if it had appeared distinctly by itself, as a matter of town dues on the part of an officer in any way connected with the Crown or the Custom-house. It is for you to say, to what degree that affects your opinion of the value of acquiescence; perhaps you may think, that that is something which would certainly induce people to believe the authority was greater than it might be, and then might, on examination; but on the other hand, you are to consider whether you think it at all likely, during the long course of years, that would have been acquiesced in, if those who acquiesced in it did not believe it was a just and well-founded claim, and probably there can be no reason so good for entertaining such a belief than the knowledge it had been paid during all the period during which their memory could run, or of which they had heard from their fathers before them.

I have often seen Spencer collect the dues; he made the entry in the book when he received the money. Hamer succeeded to both offices, and conducted both businesses in the same manner. He made the entry. Clemans came some months after Hamer had left; he was no officer of his Majesty's customs, but his son was; either him or his son received the towns' customs; they received dues from all customs imported, exported, or carried coastwise; between Hamer and Clemans one Richard Lowndes, a Custom-house clerk, used to receive the town's customs; the entries in his writing are in this book. In the receiver's office this brass plate was hung up, and the dues were received according to it; the names

of

of the persons in this book are those of Liverpool merchants. I have received the customs accounts. The Port of Liverpool extends from the Red Noses in the River Dee to where the Douglas falls into the Ribble, and up the Mersey as far as goods can go, to Warrington Bridge. I remember Crosbie; I know his writing the accounts current in the Custom-house. Spencer's book begun in 1777. He is then cross-examined, and he says, The King's officer never passed the Custom-house entries until the town dues were also satisfied. Hamer objected to pass them until they were paid. I, for several years, took care to have them passed on having paid the town dues before I passed them to the Custom-house officer. Certainly very strong as an act of authority, and as inducing parties to be more likely not to question what was demanded. From November 1798 to January 1813 such documents passed through my hands as Custom-house officer. The brass plate was at the receiver's left hand; it remained there until Clemans was appointed. He is then asked if all the duties were charged according to that table: There might be goods not named in it. Then he is asked were there not many; he says: There must be some new articles imported; when I collected, goods came which were not mentioned in the plate; I estimated by the package as near as I could; the receiver exercised his own judgment, with the consent of the parties paying. In May 1831, the defendant—now you see on that subject there is also a strong observation made: What are you to say about this kind of speculation; what are you to say of new goods coming in on which no customs have been paid in former times, and also of the uncertainty of what customs they shall pay? Why, on that, one can only say the grant of town duties, of port duties at all, would be of extremely little value if it were only confined to articles that existed in specie in former times; we know the great majority of modern merchandize has been introduced in modern times, and it appears to me, if the port duties were granted, and have existed during that long period of time, then it may be taken to apply to such new articles as came, and the best mode probably is of settling what shall be paid by the concurrence between the receiver and the person liable to pay, and that by assimilation as near as they can assimilate to the nature of the thing described. One of the witnesses gave one extremely good example of that: there is something (I forget the name now) that came from Calcutta, which was employed as barilla, and therefore they charged that as barilla. It may be called barilla for the purpose of being so charged, and the party being consulted is some security for its being a reasonable charge; if there was anything unreasonable in that particular case, that would be a ground for resisting the payment of that particular article. With regard to the present inquiry, I do not see the observation I am now dealing with has anything to do with the demand on Mr. Bolton, except as it may go to show the improbability that the custom ever existed at all.

In that point of view, if it were extremely and evidently on the face of it very unreasonable, that would be some ground for supposing it had not been acquiesced in from the earliest times, whatever might have been done at later times. At the same time there is nothing against Mr. Bolton but what has existed as far as we know from old times, so that there is no ground for him to say, "I do not pay this, because it is the subject of new arrangement, in consequence of the article being new."

Well, then he speaks of what the defendant resisted, and he says: In May 1831 Mr. Bolton desired his goods might pass without paying town dues, and then after consulting the comptroller I let them go. That was not to be taken as an acquiescence, it was thought the better way to take it, as the matter was in course of trial. I dare say they have kept an account of them. The package of some similar article was resorted to for the purpose of fixing the rate, it was arranged between the collector and payer, and he acquiesced by paying, generally speaking. The brass plate is introduced, and that contains a variety of articles on the face of it; you have heard when new articles came they were put down in that book, and from that book the articles were paid; it was subsequently given in evidence, that there is in the book published in Liverpool, and may be in the hands of all merchants, some such table as they might resort to; so that this was not kept within the desk of the collector alone, to enable him to charge an arbitrary duty, but whatever was in the habit of being charged would be found in that list, which was printed at the end of the merchant's guide.

Mr. Brooks is called again, and he is asked in cross-examination, whether there has not been a variation on the charge of bricks, raising 1,000 bricks from 1*d.* to 4*d.*, on which his answer is: He cannot charge his memory. Ships unload principally in the docks, not always; sometimes on the sea wall; that appears to be a rare occurrence. Speaking of the limits of the port: I speak from experience, from Liverpool to Warrington Bridge 25 miles, by Warrington; 10 to Runcorn; 20 or 25 miles from Liverpool by road to Douglas. On re-examination: I never knew an objection; but when a London freeman, a resident in Liverpool, claimed the exemption, there was a trial, after which a man who had disputed paid, and all the other freemen who were capable of paying paid; never heard of a refusal.

Mr. Sudlow is again called, and he says: The accounts are mere cash-books, not audited like this. I have taken from this cash-book my account, the account of receipts given in that; that is not anything relating to these customs; but the accounts of the general expenditure of the Corporation of Liverpool, which do not appear to me to bear very much on this question; because if this toll was granted to them it was granted to them as a body corporate, in the general confidence that they would make a proper use of it, and whether they have or not I do not apprehend it can be a question here for you to consider whether they have laid out their money in a way you would approve of or otherwise. It appears

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they have laid out a great deal in the improvement of the town. It does not appear that any part of it, I think, has been devoted to the purposes of clearing the port.

Then he says that the treasurer's book in the year 1799 shows that all the arrears that were then disputed had at that time been paid up.

Then he is asked about the corporation estate: In 1829 the corporation held very considerable estates in Liverpool, almost in all parts of the town, none of any extent, very near Lord-street; the corporation had a law-suit respecting the Mersey and Irwell.

Then Mr. Gladstone is called: Has lived at Liverpool 25 years, a merchant to a great extent; both imported and exported; have known payment of the town dues all the time on my own account; while a non-freeman used to pay, and for such owners of goods as were not freemen, as far as I know, other merchants paid, except during the dispute the freemen of London had joined in resistance; afterwards paid the arrears and dues regular. In my opinion, these dues are not a burthen with reference to the trade of Liverpool; I know of no place where the despatch and facility is equal, and I know of no alteration in the town dues. Then he is cross-examined, and he says: The town dues amount to a considerable sum to some merchants; most of the business conducted in the docks; sometimes I find that vessels will discharge in the river, but I presume they only discharge a part. Coasting vessels with limestone, &c., unload in the river-shelving shore; some go up to Runcorn. Town's duty on salt 2*s.* per hundred bushel, being 9*d.* a ton. Then he is asked if he knows by what rule the dues are charged; he says, by printed rule. Then he is asked about munjeet, a dye wood only lately brought from Bengal, sometimes coming loose, sometimes in bags, and sometimes in bundles: A freeman 22 years; the corporation voted it me for services they thought I had done. I have known no instance of fraudulent purchase. Munjeet has fallen much in price; comes for stowage, and varies much in size; put about in little parcels in the ship where they can best spare room. Fire bricks, he says, are three times as valuable as common bricks, to account for a difference in the amount.

Mr. Jones put in the record in the London case. There you see the London merchant, the freeman of London, claimed an exemption from the tolls of Liverpool, on the supposition that all freemen of certain corporations, London, Bristol, Wexford, and Waterford, and some others, had a right to bring their goods into Liverpool without paying these town dues, and therefore, London, among others, put in at that port their claim; to which the Liverpool men said, "No; your exemption is only limited. You cannot claim it, unless you are a resident freeman of London. It won't do for a London man, who resides at Liverpool, to claim it, and we grant it to those residing at London, and to no others;" on which an issue was directed by the Exchequer, and that was to try whether a person free of London, but not residing there, is a freeman entitled to be quit and free of corporation dues throughout England; therefore it appears the corporation of London found that a convenient opportunity for making their claim as large as it could be. It was not a mere contest with Liverpool, but it was a claim to be free of all corporations, whether they reside in London or in some other places, or free of the corporation to which their charter would apply.

On that some observations have been made by the learned serjeant, which you may think very well founded. He says, in the first place, this is not an individual endeavouring to relieve himself from a charge; it is one corporation contesting with another corporation who denies; this claim is of one that puts forth exaggerated claims of its own of a very valuable nature, to a great extent, of some kind; they are not very likely to put in question the right of the corporation to town dues; and, in point of fact, you see the very issue that was to be tried assumed the town dues were payable, and you see it is not a question here between one individual who wishes to relieve himself from a burthen, but a corporation who take up the right of that individual, merely for the sake of establishing the general claim of theirs. That being the nature of the case, the verdict was found for the Corporation of Liverpool; that is, negativing the right of the freemen of London, wherever they may reside, to be free of port and corporation dues throughout England. That right was negatived, and on that therefore the town dues were paid by those freemen of London who, residing at Liverpool, had disputed them. You are to consider what degree of weight you may think due to that particular piece of evidence. I own, it does not appear to me to be so strong as, from the solemn nature of the decision, one is, in the first place, prepared to suppose it would be when you consider the particular character of the parties contending, and the particular object that the resisting party then had in view.

The next witness is Mr. Gustavus Bradstock: Now of the age of 83; formerly in business at Liverpool, and has retired for some time; remembers Mr. Calcot, collector of the Customs, that was the first of my recollection; in the year 1763, Mr. Atkins was his clerk, and I wrote for Atkins. Lawrence Spencer was then receiver of the town dues.

Now Lawrence Spencer was appointed in the year 1761, and that goes a good way back, it goes back about 70 years: Lawrence Spencer was then receiver of the town dues, and also deputy customer of the King's customs; he had a room in the Custom house, elected in 1761, and went out in 1779, 18 years; he had a room in the Custom-house; and I perfectly remember at his left elbow a table of the town dues was hung, and by that I always understood they were collected.

I continued five years to write for Atkins as his clerk; he acted in both occupations all the time; I was afterwards clerk to Venables & Co., wine merchants, Liverpool, five years; they dealt with Jamaica as well as importers in the wine trade. I transacted their Custom-house business for wine in wood; as far as I recollect it was 1*s.* a pipe inwards, and a half outwards. They imported sugar from Jamaica, that was paid 6*d.* a hogshead, 3*d.* a tierce, and 2*d.* a barrel inwards; half outwards.

Afterwards

Afterwards I was clerk with Backhouse, a Virginia merchant; he had three vessels in the Virginia trade, and imported 14,000 hogsheads of tobacco in the year; did the Custom-house business principally himself. He does not speak so much about that; he always understood the freemen of London, Bristol, Wexford and Waterford residing in those respective places were exempted; generally understood; knew of no change in amount of duty, and never knew any that refused to pay. Appendix, No. 12

Then he speaks of the brass plate, and then he says: The dues were paid so before the docks were built. I think they always paid the dock dues whether they went into the dock or not; we never could get invoices until the dock dues were paid.

Then Mr. Harrison is called: A partner in Harrison's house; been in business 31 years. Town dues been paid all that time, and all articles imported and exported; no partner in that house was a freeman. We were originally in the Portugal trade, afterwards in the Brazil trade; and with reference to the accommodation, we do not consider these dues burthensome; we are not able to bring back more than a fifth part in produce of the amount we export, so that the town dues are lost in coming back; that is, there might be much more. You see he is called on to draw a comparison, and he is asked with reference to the accommodation, whether the dues are burthensome. One hardly knows how to apply that question in a case of this sort, when there is no particular act done. On the whole, it appears Liverpool is a port extremely commodious for the loading and unloading of goods, and I should think you may fairly say on the whole, there is no burthensome amount of duties imposed on goods that come there, with reference to the general course of trade. It appears to me that is the result of the evidence of those who answer that question, because in no point of view does the accommodation connect itself with the particular question, except as to the main point, the port being there, and being that in which the owners of it have that kind of interest that enabled them in early times to have received town dues in respect to ships coming in, and going to it and from it.

Then cross-examined.—Business is done in the docks; the Dock Company manage the business. I believe the docks are principally built of money raised on the tolls. The articles which we imported were chiefly cotton and hides; sugar and coffee are often prohibited by the protecting duty; cotton pays 2 *d.* a bale; the usual weight of them being 180 lbs.; American bales are nearly double. I do not know whether the tolls are payable the same on both, and certainly we may observe there is a great difference occurs; that in the estimate made of the duties to be paid on particular articles, one does not see to what the proportion is borne; and the question therefore, I think, is, whether on the whole the duty imposed is high and has been unreasonable, as amounting to any very heavy tax, so as to prevent its getting into active circulation as an article of commerce. There have been great improvements at Liverpool at an immense expense, and these are very great conveniences to the port. In that way they try to connect the two together, by showing the improvements of the town itself, and the general accommodation for all purposes is of itself a great improvement to the port, and so undoubtedly it is, because merchants must have proper houses and proper resorts of every kind, if they are to come to that port; but on the other hand we may remark, that any persons who do make those improvements, make them not gratuitously, but would receive a very fair remuneration probably, in the immediate return of profit for all the money that may be laid out.

Then James Giball, clerk in the Custom-house, born in Liverpool, is called as a witness: I was clerk to Clemans, and I sometimes received the dues for him; I began a few years after 1788. The first dock I remember was George's, the old dock, the Duke's Dock, and Salter's Dock. I remember Mr. Rushton, who was clerk to Clemans, perfectly well; remember the brass plate hanging upon Clemans' left hand on the wall; a book of rates was also kept; this is one which I copied from the old book, a copy of the brass table, and as far as that goes, but contains new goods first introduced after that.

Then he is asked about particular articles; about alterations; he says, Tanners' waste became to be imported in my time; I was present with Mr. Francis O'Neale, who was the first importer, and there was a reference as to the amount that that should pay. They fixed 3 *d.* a ton. Others imported it, and paid without dispute. Cotton came in bags from Portugal, sometimes it came up in serons, and paid 1 ½ *d.* instead of 2 *d.* I remember a refusal of town dues of cattle from Ireland in 1793 or 1794, 1 *d.* a head; cattle is not on the brass plate. I took a distress, and then they paid the duty in this list, which is the bill of particulars; the amount of charges made against Mr. Bolton are the same that I have always known paid. I have known that salt laden at Frodsham always paid dues in 1794 and 1795. I was sent by Clemans, the collector, to watch a vessel, which was expected to avoid the duties, but she paid before she left the port. I was an apprentice to Clemans, junior, and remained to get my freedom and learn my duties in the customs. He then refers to his book, and he says Here is a charge; coasters anchorage 1 *s.*; that is not in my writing, but Mr. Crosbie's; the meaning is 1 *s.* on each vessel arriving coastwise; the regular payment was 1 *s.* on vessels coastwise, 1 *s.* 3 *d.* English vessels from foreign ports, and foreign vessels 1 *s.* 6 *d.*; this was the anchorage, and this was collected in all cases; no similar charge on vessels going outwards. Then he is asked about the ton of tanners' waste, on what principle that is charged: I do not know how it was settled. I was told the result, and I conceive it would be charged lower when the article was of less value; that is his answer.

He is asked about a cubic box of gold: that would be charged a penny. I should only look

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look to the box. It is a charge for dry goods, except soap and candles, and our charge 1 *d.* a box. Plums and prunes are charged another way, as some of these boxes are very small; some of them only a penny a hundred, and so on.

Then re-examined.—The merchants used to bring strips of paper with his statement of the amount of duties. Tanners' waste same in bulk. Clemans told me to collect at 3 *d.* per ton. The merchant brought on calculation. Then the book, the "Merchants' Guide," which was mentioned, published in 1774, with the list of duties and new dues, came out, and new articles were introduced. The rates were well known to the merchants, and they would bring an account of so many packages, 2 *d.* a piece. He is then asked about iron in bars, and there seems to be a great discrepancy, indeed an enormous charge, if you take that on the principle that 6 *d.* a ton is charged on iron in bars, and only 3 *d.* a ton on manufactured copper, which, being on rods, are worth a vast deal more; so that there is only half the sum paid for that which is probably more than twice the value, consequently the proportion would be greatly outraged if that were to be supposed to be the mode of charge. Then the Acts are put in; the Act for making the bridge, docks, the 8th of Queen Anne, securing to the corporation all its rights.

Now there is a recital that the port is inconvenient, that there was great inconvenience in merchants landing, and buoys and things of that sort were not properly kept, and consequently the docks were executed. It seems the corporation gave four acres for making those docks; but it is replied that they had neglected their duty in former instances in not providing these ancient modes of directing the ships on their voyage to the port.

It does not appear to me that is the principle on which port dues are granted, and I do not think that observation is so strong. On the other hand, saving the corporation all its rights, seems to me to do nothing at all but to leave things as it found them. It was not contended this Act destroyed any rights of the town, and the saving clause was merely a precaution that was taken probably by those who attended the committee on their part. The Act of the 39th of George the Third is put in for making more docks, and there the water bailiff has power to remove the vessels from inconvenient situations. I cannot say I think that has much to do with the question. The 8th of George the Third, the canal from Leeds to Liverpool, there also is some mention of the rights of the corporation; but supposing these things are evidence, which perhaps would be fairly a question after what we have heard for purposes of this kind, still all the world knows how such things are done. A Committee of the House of Commons sits to give new powers, and create new interests, and any party who chooses to go before them is not expected to establish their rights by evidence. A party goes, and says my right is so-and-so; or if he does establish it by evidence, there is no adverse party to contest it, and assertion of the party introduced by the party interested, even in an Act enacted to be public, appears to me to be little more than a party's assertion of his own claim to the right, and not to assist the proof in any degree. As against themselves, it would be very material evidence; but in their favour I think it does but little.

Mr. John Moss is called: lived at Liverpool 47 years; known business, less or more, since 1786; formerly clerk to Mr. Brown for six years. Mr. Brown was a commission merchant, whose principal business was exporting goods to Ireland; West India goods principally; tobacco from America, and occasionally from other ports; he constantly imported. He was a freeman, but did very little on his own account, being a commission merchant, and for that part the duty was not paid: I know of no other alteration in the rate. Then, as to coals, we paid 3 *d.* a chaldron; when they came in by the ton we paid 2 *d.* a ton, and that is rather in favour of the merchant; some kind of experience, within the last few years, refreshed my memory; by looking at the entries in Brown's time, 2 *d.* duty on bales of cotton from Portugal; when linen came from Ireland to be exported, did not pay outwards too. Looked at the brass plate. Hamer referred me to the plate when first I began to act for my then employers. I asked Hamer about the amount of duties, and he said, "Look at that plate." Then about rock salt and white salt; rock salt pays 16 *d.* per hundred bushels, and white salt 2 *s.* per hundred bushels. Iron and copper—copper four times the value of iron. I should think not the same difference in former times as now; if I remember right, gold and silver in packages free from any duty; remember no duty on gold. Three-pence a barrel inwards on tar, and flour 1 *d.* The value of flour and tar ought to make them change places in the charge of duties according to that rate of charging. The copper comes manufactured from Wales.

Then Mr. Potter, book-keeper, aged 63, was apprentice in 1785 to Mr. John Wright, agent to the Manchester and Leeds Canal Navigation Company: I was afterwards employed by several other merchants, who exported and imported to a very great extent; did the whole Custom-house business with Wright & Davies 22 years. I never knew any alteration, except on tallow, formerly 3 *d.*, now, by composition, is 1 *d.*; and hides, formerly a penny, now, by composition, a farthing. Flour more valuable than tar by 20, 30, or 40 per cent. Crates of earthenware occupy 41 cubic feet. Gunpowder cannot be brought in the town.

Then Yelverton: lived at Liverpool since 1795; then an apprentice to Worthington, a merchant, afterwards agent for certain houses; paid town dues, except on goods belonging to freemen; we had a slate yard at Runcorn, and paid duty on slates landed there. Worthington had a manufactory near Liverpool. Paid town dues on all articles, sometimes in a hurry, who had not paid any duty, and then turned back.

William Hayes lives at Frodsham; been a merchant there 30 years, in partnership with his father; he paid the town dues at the Custom-house, at Liverpool. Slates the principal article

article imported. Now pay the town dues, where we have paid the King Customs, at Runcorn, since 1818. Frodsham, five miles from Runcorn; both in Cheshire.

Dixon says, "In early life, I was an apprentice to Walker in 1789; the most considerable West Indian house in the kingdom; had the Custom-house business to perform for them, and paid large sums town dues. Walker was a freeman. The corporation rated to the poor, and they paid 5,000*l.* They occupy the graving docks, and a few houses."

Then Mr. Corrie, town's customer since 1821: "The dues have been collected by me ever since. No objection in my time, except the present dispute. I collected by a table I found in the office on my appointment, contained in a book; when new articles were imported, I inquired into the nature, quantity, and size, if not in packages, and settled them, as near as possible, to other articles, without much reference to the value."

Now, if that should be in itself an improper mode of proceeding upon any articles which were so charged, it would be a question in point of law whether they were subject to the charge; and if, on the other hand, that is in itself a bad grant of a duty, then the learned counsel for the defendant will have the opportunity of having that fully considered hereafter; in that view that we may now take of this question, my opinion is that it may be legally so done.

"Have always done so in concurrence with the merchant. I early remember two instances. I know of no reduction of the rates except by composition made in 1825, at the request of the merchants, on tallow, on horse hides, and East India cow and ox hides, and salt going to Ireland. I know of no instance of rates being raised. This is a list of the goods on which the defendant refused to pay the tolls, amounting to 484*l.* 19*s.* 5¾*d.*" Then I asked about the new articles, and he described the munjeet rather more particularly; it is not necessary to go into that.

Then he is cross-examined, and he says, "I remember gentlemen of the names of Jones, Man and Foster importing munjeet last June, on which the amount of town dues was 8*l.*;" then he explained that it was reduced afterwards to 4*l.*; he says it was found they made a mistake in calling it munjeet, and in fact it was madder-root.

I think that is the whole amount of what he says. The defendant acknowledged all the goods in this list had been imported at the Brunswick Dock. I believe he resisted payment to try the question, and spoke of them as of goods landed at Liverpool.

In re-examination: I received for anchorage also; that is a distinct account; on that the defendant has paid. There is no munjeet in his account; he refused first in May 1830. A merchant, 30 years before, in a large way of business; the importers have complained of the charge on munjeet as being heavy in proportion to the value. He is then asked about anvils: cane and anvils are not in that list. Cranes, 2*d.* per 1,000.

Then Mr. Molesdale, the principal officer at Runcorn, part of the port of Liverpool; his appointment so calls it. I do not know that that is evidence on the subject, but I think on this evidence, there being no contradiction, we must take it Runcorn is part of the port of Liverpool; that is a separate issue, which it will be very easy——

Mr. Serjeant *Wilde*.—It is whether it was within the lordship and township. No doubt it is part of the port.

The *Lord Chief Justice*.—Clearly vest in the township.

Mr. Serjeant *Wilde*.—The grant is the town and lordship, with the waters of the Mersey within the town.

The *Lord Chief Justice*.—It seems to me that is a separate issue, and so important a one, it is hardly fair to try it in the shape of 1*l.* 5*s.* in this case. It is quite a distinct question.

Mr. Serjeant *Wilde*.—It was landed there on purpose of raising the question to try.

The *Lord Chief Justice*.—It was not opened.

Mr. Serjeant *Wilde*.—It was all smooth water by my friend.

The *Lord Chief Justice*.—Goods paid at Runcorn; goods subject to duty are not allowed to be landed there unless the duty is paid. Nevil received. I have been frequently with him when called for the town dues, and received them since the year 1818. The present receiver is Richard Jones, appointed at Mr. Nevil's death, in the year 1831. It is admitted he had goods landed at Runcorn.

Mr. Foster, the town clerk, called again:—"The court, called the Court of Passage, held by the corporation; the mayor is the judge, and I believe the bailiffs; I am an attorney of that court; the jurisdiction extends to trying cases and matters arising on the river. I have acted as coroner on bodies drowned on any part of the river; coroner of the town of Liverpool, and acting in that way on the river." Those rights run all over the river and its limits; are decided by the 12th of Anne; that makes the 12th of Anne so far evidence of the description of the port, of which Mr. Foster says he has known the practice of the coroner extend to that extent of jurisdiction, and frequently has arrested persons at the very extremity, going out to sea. That is in the opposite direction, you see.

I think it would be better to distinguish goods taken to Runcorn as being within the port of Liverpool. It seems, I think, from Mr. Molesdale's evidence, that the duty had been paid first at Liverpool, and they were not allowed to be landed at Runcorn until that payment had been made. However, that is a separate consideration, and we shall hear of every part of this case again, and therefore the learned Serjeant will do what he thinks best of that.

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I believe I have read every part of this evidence to you, and it appears to me the question for you to consider is, whether the old documents mentioning, for a long course of years, extending, I think, for 200 or 300 years at least, customs as being payable attached to the town of Liverpool in the way I have described to you, whether you are satisfied that there were customs then paid in the shape of port duties, of town dues, with respect to vessels coming into the port exporting and importing, and whether you are satisfied that such are the duties that have been now received by the officers of the town for the great length of time through which the evidence goes back. If you are of that opinion, it seems to me that the plaintiff is entitled to your verdict; it is for him to make out that to your satisfaction; and if in the result, considering the whole of the evidence, you think he has not satisfactorily established that, then the defendant will be entitled to your verdict. The only question which I submit to you is, whether upon the evidence that you have heard of those ancient documents, and this long modern usage, you are satisfied the town duties have been, in point of fact, paid for all goods exported from and imported into the town of Liverpool. If you think they have been paid to the corporation of Liverpool under the grant made to them, then you will find for the plaintiff; if you are not satisfied, then you will find for the defendant.

Mr. Serjeant *Wilde*.—If your Lordship will allow me, there are one or two points which I think it is probable I might wish to put on the record, of a general nature, if your Lordship will allow me to hand the note to the officer; if on further consideration I can easily waive that, and apply to the Court, only I should lose the opportunity should we wish to discuss the general question.

The *Foreman*.—One of the gentlemen of the jury wishes to ask a question of you.

A *Juryman*.—My Lord, I wish to know, supposing the jury were satisfied that a right had been given to the town to collect the dues, have they no right to consider whether there must not have been a co-existing public accommodation?

The *Lord Chief Justice*.—I think that is out of the question; I think beyond the mere fact of the port being there to receive ships, it strikes me that is not the question.

A *Juryman*.—Do you think, my Lord, also that, supposing that out of the question, the jury have no right to consider whether the present dues are collected for any public benefit?

The *Lord Chief Justice*.—That, I think, is quite out of the question too. It is satisfactory to me, and I dare say will be to you, to know, if I take an erroneous view on that subject it will be set right hereafter.

A *Juryman*.—What, my Lord, are we to decide as to the 1*l.* 5*s.*, which is a separate amount as to Runcorn; is it to be considered as belonging to the township or jurisdiction?

The *Lord Chief Justice*.—I think upon the evidence it does. It seems the payment is made to Liverpool before it is allowed to be landed at Runcorn.

Mr. Serjeant *Wilde*.—No doubt within the port; distinctly in evidence it is not within the borough.

Mr. *Follett*.—My friend is not putting that right; the evidence is, that the town of Runcorn on the Land is not within the borough of Liverpool, but what we say is, the borough and lordship of Liverpool extends all over the port of Liverpool; all over the waters of the Mersey; all over the port; the evidence is throughout without contradiction, that these dues have been paid all over the port of Liverpool, without exception of any sort or kind.

Mr. Serjeant *Wilde*.—Whether payable within the port or not, there is no evidence to show the lordship extending beyond the borough. None.

The *Lord Chief Justice*.—Over the water.

Mr. Serjeant *Wilde*.—If your Lordship will direct the jury how that is to be.

The *Foreman*.—My Lord, I am directed to say, and I agree with it myself, that the verdict is for the plaintiff, for the corporation.

The *Associate*.—For what sum?

Mr. *Follett*.—£. 486. 9*s.* 10*d.*

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COPY OF BILL OF EXCEPTIONS.

IN THE KING'S BENCH.

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MIDDLESEX } BE it Remembered, that in Trinity Term, in the first year of the reign of
(to wit.) } our Lord William the Fourth, King of the United Kingdom of Great Britain and Ireland, came the mayor, bailiffs, and burgesses of the town of Liverpool, in the county of Lancaster, by Thomas Foster, their attorney, in the court of our Lord the King, before the King himself, at Westminster, and impleaded Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson, in a certain plea of trespass on the case on premises on which the said mayor, bailiffs, and burgesses declared against the said Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson as defendants; for that whereas theretofore, to wit, on the 4th day of June, in the year of our Lord 1830, at Westminster, in the county of Middlesex, the said Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson were indebted to the said mayor, bailiffs, and burgesses in 500 *l.* of lawful money of Great Britain, for so much money then due and payable by the said Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson to the said mayor, bailiffs, and burgesses, for tolls, duties, and customs for and in respect of divers goods, wares, and merchandise by the said Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson before that time imported in the port of Liverpool aforesaid, and being so indebted, they the said Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson, in consideration thereof, afterwards, to wit, on the day and year aforesaid, at Westminster aforesaid, in the county last aforesaid, undertook, and then and there faithfully promised the said mayor, bailiffs, and burgesses to pay them the said sum of money, when they the said Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson should be thereunto afterwards requested: And whereas also afterwards, to wit, on the day and year aforesaid, at Westminster aforesaid, in the county last aforesaid, the said Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson were indebted to the said mayor, bailiffs, and burgesses in the further sum of 500 *l.* of like lawful money, for so much thereof then due and payable by the said Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson to the said mayor, bailiffs, and burgesses for certain tolls, duties, and customs for and in respect of divers other goods, wares, and merchandise by the said Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson before that time exported from the said port of Liverpool; and being so indebted, they, the said Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson, in consideration thereof, afterwards, to wit, on the day and year aforesaid, at Westminster aforesaid, in the county last aforesaid, undertook, and then and there faithfully promised the said mayor, bailiffs, and burgesses to pay them the said last-mentioned sum of money, when they, said defendants, should be thereunto afterwards required: And whereas also the said defendants, afterwards, to wit, on the same day and year, at Westminster aforesaid, in the county last aforesaid, accounted with the said plaintiffs of and concerning divers other sums of money from the said defendants to the said plaintiffs before that time due and owing, and then in arrear and unpaid; and upon that accounting the said defendants were then and there found to be in arrear and indebted to the said plaintiffs in the further sum of 3,000 *l.* of like lawful money; and being so found in arrear and indebted, they, the said defendants, in consideration thereof, afterwards, to wit, on the same day and year aforesaid, at Westminster aforesaid, in the county last aforesaid, undertook and then and there faithfully promised the said plaintiffs to pay them the said sum of money last mentioned, whenever afterwards they the said defendants should be thereupon requested; yet the said defendants, not regarding their said several promises and undertakings so by them in manner and form aforesaid made, but contriving and fraudulently intending craftily and subtily to deceive and defraud the said plaintiffs in this respect, have not yet paid the said several sums of money, or any part thereof, to the said plaintiffs, although the said defendants afterwards, to wit, on the same day and year aforesaid, and oftentimes afterwards, at Westminster aforesaid, in the county last aforesaid, were requested by said plaintiffs to pay them the same; but the said defendants to pay the same, or any part thereof, have hitherto altogether refused, and still do refuse, to the damage of the said plaintiffs of 1,000 *l.*; therefore they bring their suit, &c.

And now, at this day, that is to say, on Saturday next after the morrow of All Souls in this same term, until which day the said defendants have leave to imparle to the said bill, and then to answer the same, &c.; at which day, before our said Lord the King, at Westminster, come as well the said plaintiffs, by their attorney aforesaid, as the said defendants, by Henry Lowe, their attorney; and the said defendants defend the wrong and injury,

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when, &c., and say they did not undertake or promise, in manner and form as the said plaintiffs have above thereof complained against them, and of this they the said defendants put themselves upon the country; and thereupon issue was joined between the said mayor, bailiffs and burgesses, and the said Thomas Bolton, Robert Lewin Bolton, Jonathan Ogden, and John Ferguson, the said defendants; and afterwards, to wit, at the sittings at Nisi Prius holden at Westminster Hall, in and for the county of Middlesex, on the 14th day of February, in the year of our Lord 1833, before the Right honourable Sir Thomas Denman, knight, Chief Justice of our said Lord the King, assigned to hold pleas in the court of our said Lord the King, before the King himself, Thomas Denman, esq., being associated unto the said Chief Justice according to the form of the statute in such case made and provided; the aforesaid issue so joined between the said parties as aforesaid came on to be tried by a jury of the said county of Middlesex, for that purpose duly impannelled, (that is to say): Richard Eneas Spurrier, of York-street, Marylebone, esquire; Thomas Burgon, of Brunswick-square, merchant; John Heley Booth, of Landsdowne-place, St. Pancras, merchant; John Blakesley, of Canonbury-lane, Islington, merchant; William Hood, of Grove-place, Marylebone, merchant; Charles Hart, of Upper Kensington Gore, esquire; Thomas Harding, of James-street, Westminster, esquire; William Harmer, of Burton-crescent, merchant; John Williams, of Frith-street, Soho, esquire; Henry Mortray Jones, of South-end, Hampstead, merchant; Edward Coutts, of Bernard-street, merchant; and Michael Oppenheim, of Mansel-street, Whitechapel, merchant, good and lawful men of the said county of Middlesex; at which day came then as well the said mayor, bailiffs and burgesses, as the said defendants, by their respective attornies aforesaid; and the jurors of the jury aforesaid impannelled to try the said issue being called also came, and were then and there in due manner chosen and sworn to try the same issue; and upon the trial of that issue the counsel, learned in the law, for the said mayor, bailiffs and burgesses, to maintain and prove the said issue on their part, called and examined on oath, as a witness, one William Illingworth, who stated that he was formerly deputy-keeper of the records of the Tower; and the counsel for the said mayor, bailiffs and burgesses, in support of the said issue, gave in evidence an examined copy of an extract from Doomsday-book, and read the same as follows:

"In Chestershire the bishop holds the same city of the King; it pertains to his bishoprick; all the rest of the land of the county Hugh, the Earl, holds of the King, with his men; the land between the Ribble and the Mersey, Roger, of Poicton, held. Now the King holds it."

And the counsel for the said mayor, bailiffs and burgesses, upon the trial of the said issue, also gave in evidence from the charter-roll of the 9th year of the reign of King John, among the records of the Court of Chancery, in the Tower of London, a certain charter, granted by King John, in the 9th year of his reign, as follows:

"John, by the grace of God, &c. Know ye that we have granted, and by our present charter have confirmed, to Henry Fitz Warine, of Lancaster, the lands which King Henry, my father, gave to Warinne, his father, for his service, to wit: Revenesmoles, Amnolnesdale, and the French Sea, and eight pence rent in the borough of Preston, and the English Sea, which we have given to him in exchange for Liverpool and Uplitther land, which the aforesaid Henry, my father, had given with the aforesaid lands to the aforesaid Warine, his father, and which the said Henry hath remised to us and our heirs, to be holden to him and his heirs; twenty shillings yearly at the Feast of St. Michael, for all service and exaction, saving to us and our heirs the wardships and marriages of the heirs of the said Henry, in manner as our ancestors used to have the same, when Warine, the father of the said Henry, did the service of a falconer to our ancestors; wherefore, &c., that the aforesaid Henry and his heirs after him may have and hold the aforesaid lands, with all their appurtenances, of us and our heirs, by the aforesaid service, in wood and plain, in ways and paths, in meadows and feedings, in moors and marshes, in fisheries, in waters and mills, and in pools, well and in peace, freely and quietly, and peaceably and honourably, fully and entirely, in all places and things, with all liberties and free customs to the aforesaid lands pertaining, as is aforesaid. Witness, William, Earl Warinne; William, Earl of Derby; S. de Quincy, Earl of Winchester; William Briwere Gilbert, Fitz Renifare, Thomas Basset, Alan Basat, Robert de Graseley, William de Cantilupe. Given by the hand of Henry de Wells, Archdeacon of Wells, at Worcester, the 28th day of August, in the ninth year," &c.

And the said counsel for the mayor, bailiffs and burgesses, also give in evidence on the said trial a certain charter granted by King Henry 3, in the 13th year of his reign, and produced from among the muniments of the plaintiffs, as follow:

"Henry, by the Grace of God, King of England, Duke of Normandy, Aquitain Earl of Anjou, To the archbishops, bishops, abbots, priors, earls, barons, justiciaries, sheriffs, reeves, ministers, and to all his bailiffs and faithful people, greeting: Know ye, that we have granted and by this our charter do confirm, that our town of Liverpool shall be a free borough for ever, and that the burgesses of the same borough may have a guild merchant, with a house and other liberties, and free customs to that guild pertaining, and that no one who shall not be of that guild shall traffic in any merchandise unless by the consent of the same burgesses. Also we have granted to the same burgesses and their heirs, that they may have soc and sac, and tol and theam, and infanganthef, and that they shall be quit throughout our whole

whole realm, and throughout all the parts of the sea, of toll, lastage, passage, frontage, and stallage, and that they shall do no suit of county courts or wapentake courts for their tenures which they hold within the borough aforesaid. Also we have granted to the same burgesses, and to their heirs, that whatsoever merchants shall come to the borough aforesaid with their merchandises, of whatsoever place they may be, whether foreigners or others, who shall be in our peace, or shall come into our realm by our licence, may safely and securely come to our aforesaid borough with their merchandises, and there safely dwell and thence safely depart, rendering therefore the right and due customs. Also we forbid that any one shall do injury, damage or grievance to the aforesaid burgesses upon forfeiture to us of ten pounds. Wherefore we will and firmly command, that the aforesaid town of Liverpool be a free borough, and that the aforesaid burgesses may have the aforesaid guild merchant, with an house, and other liberties and free customs to that guild pertaining, and that they may have all other liberties and free customs and acquittances as is aforesaid. These being witnesses: H. de Burgh, Earl of Kent, Justiciary of England; Philip de Albany; Ralph Fitz Nicholas; Nicholas de Moeles; John, son of Philip; Geffrey Dispenser, and others. Given by the hand of the venerable Father R. Bishop of Chichester, our Chancellor, at Merleberge, the 24th day of March, in the thirteenth year of our reign." Appendix, No. 1

And the said counsel for the said mayor, bailiffs and burgesses also gave in evidence on the said trial, from the Patent Roll of the 13th Henry 3, preserved in the Tower of London, a certain lease made by King Henry the 3d, in the 13th year of his reign, as follows:

"Of the Town of Liverpool, let to Farm. "Henry, by the Grace of God, King of England, &c., To the sheriff and all his bailiffs of the county of Lancaster, Greeting. Know ye, that we have granted to our honest men of Liverpool, to be held at farm from the Feast of St. Michael in the 13th year of the reign unto the end of four complete years, rendering therefore unto us in each of the aforesaid years, at our Exchequer, by the hands of the sheriff of Lancaster, at two terms, ten pounds, to wit, at Easter in the 13th year of our reign, five pounds, and at the Feast of St. Michael in the same year, five pounds, and so from year to year, at the same terms, ten pounds as is aforesaid. In witness whereof we have caused these our letters thereof to them to be made patent. Witness ourself, at Marlboro', the 25th day of March in the same year of our reign."

And on the said trial the counsel for the said mayor, bailiffs, and burgesses also gave in evidence, from the Close Roll, 13 Henry 3, a certain charter granted by the said King Henry the 3d, in the 13th year of his reign, as follows: "The King hath granted, and by his charter confirmed, to R. Earl of Chester and Lincoln, the whole land which he hath between the Ribble and the Mersey, (that is to say) the town of West Derby, with the wapentake, and all their appurtenances; the borough of Liverpool, with the appurtenances; the town of Salford, with the wapentake, and all their appurtenances; the wapentake of Leiland, with all the appurtenances, in demesnes, forests, hays, homages, services, and all other their appurtenances, and with all liberties and free customs to the aforesaid lands, wapentake, borough, hays, forests pertaining, as is more fully contained in the King's charters to him thereof made. And it is commanded to the sheriff of Lancaster that he should cause the same Earl to have, without delay, full seisin of the aforesaid lands, wapentakes, borough, with all the appurtenances in demesnes, forests, hays, homages, services, and all other appurtenances, with all liberties and free customs to the aforesaid lands, wapentakes, borough, hays, forests pertaining. Witness the King, at Portsmouth, the 19th day of October." To Earl of Chest and Lincoln, 19 October. 13 Hen. 3, 1229.

And the counsel for the said mayor, bailiffs, and burgesses also gave in evidence on the said trial, from the Close Roll, 38 Henry 3, a certain grant from King Henry the 3d, in the 38th year of his reign, as follows:

"The King hath granted to Edward his first-born son and heir the custody of all the lands which were of William de Ferrars, late Earl of Derby, on the day on which he died, to be had unto the full age of the heirs of the same Earl in part for the supplying of the defect of 15,000 marks of land which by our charter we are bound to provide for him, together with the lands which we have given and granted to him in England, Ireland, and elsewhere; saving to the wife of the aforesaid Earl her reasonable dower out of the aforesaid lands when the King shall assign the same to her: And it is commanded to William de Wilton that he do take the fealty of all the tenants of the aforesaid lands to the use of the aforesaid son of the King, and that he does also answer for the reasonable tallage to be assessed upon the aforesaid tenants out of the issues of the same lands at the King's Exchequer to the use of the same son of the King, as the custos of the same, so long as he shall hold the same custody, and that he do cause the same to be levied without delay. Be it known that the King has sent James Frese, his escheator, to take to the use of the aforesaid son of the King, the fealty of the tenants of the lands which were of the aforesaid Earl, in the counties of Northampton and Berks, and to assess a reasonable tallage upon the same. Witness, Alianor the Queen and Richard Earl of Cornwall, at Windsor, the 15th day of April. Concerning the custody of the lands of the Earl Derby committed

"By the Queen and H. D. Mara."

And the said William Illingworth being again examined, then stated that he knew that William de Ferrars married the daughter of the Earl of Chester.

And the counsel for the said mayor, bailiffs, and burgesses also gave in evidence on the trial of the said issue from the records of the Court of Receipt of the Exchequer

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from the roll, indorsed, "Roll of Accounts of the lands of Lord Edward, in the 41st year of the reign of King Henry, his father;" and read therefrom, as follows: "The account of the bailiffs of Lord Edward first-begotten of the illustrious King of England, audited at the Exchequer, at Bristol, before the Lords Richard, Abbot of Kingswood, Galfrey de Caur, and Elias de Cumber, treasurers, and Thomas de Bolton, clerk, for the issues of the lands of the said Lord Edward, in the forty-first year of the reign of the King aforesaid.

"Westderbyshire.

"Liverpool with the Members.

"Henry de Lee, bailiff, renders account for the aforesaid time. The same renders account of 10 *l.* for the town of Liverpool, put at farm with toll, stallage, passage, with two water-mills, and one windmill, and for 3 *s.* 9 *d.* for rent of the 2 messuages for the term of the Annunciation; and for 66 *s.* 1½ *d.* for rents of assize of Onateby, Everton, and Waverton, for the term of the Nativity, and for 66 *s.* 1½ *d.* for rents there for the term of the Annunciation.

"Sum, 16 *l.* 16 *s.*"

Then follows several other accounts.

And the counsel for the said mayor, bailiffs, and burgesses, on the said trial, also gave in evidence from the patent roll, 50th Henry the Third, a grant of King Henry the Third, in the 50th year of his reign, as follows:

50 Hen. 3, 1266.

"The King, to all, &c., greeting: Know ye, that we have granted to Edmund, our most dear son, the castles and all the lands and tenements which were of Robert de Ferrars, with all their appurtenances, to have as long as it shall please us. In testimony whereof, &c., witness, the King, at Kilmworth, the fifth day of August, in the fiftieth year of our reign." And from the Patent Roll, 51 Henry 3, is the following extract:—

For Edmund the King's son, touching the lands of the Earl of Ferrars, 51 Hen. 3. 8.

"The King to the abbots, priors, barons, knights, freemen, and to all other tenants of the lands and tenements which were of Robert de Ferrars, heretofore Earl of Derby, greeting: Whereas we have given and granted to Edmund our most dear son, the castles, and all the lands and tenements, with all wards, reliefs, escheats, homages, services, knights' fees, advowsons of churches, and all other their appurtenances, which were of the aforesaid Robert; we command you that to the same Edmund, as your Lord in all things which to the premises pertain, from henceforth ye be attendant and answering. In testimony whereof, &c., witness, the King, at Windsor, the 3d day of January."

And the counsel for the said mayor, bailiffs, and burgesses also produced and gave in evidence on the said trial, from the Records of the Court of Chancery preserved in the Tower of London, a certain inquisition post mortem taken at West Derby, in the 26th year of the reign of King Edward the First, in part, as follows:—

Translation.

"An inquisition taken at West Derby, on Wednesday, in the week of Pentecost, in the 26th year of the reign of King Edward, of the extent of lands and tenements, fees and rents which were of Lord Edmund, brother of the Lord the now King, in the Wapentake of West Derby, by Alan le Non of Sefton, William de Southwarth, Richard de Molyneaux of Crosseby, Mathew de Haydok, Ralph de Bykersteth, Henry de Huton, Robert de Bolde, Richard de Haland, William de Aynetre, and Robert de Thornton, who say as to the first, second, and third articles of capital messuages, &c., as many acres of arable land, &c., as many acres of meadow, &c. They say that in the manor of Derby is a certain place of the old castle where a capital messuage used to be with the circuit of the ditches, the herbage whereof is worth by the year four shillings; and there are there in demesne, in a field which is called Harbunn, sixty-five acres of arable land, which are now at farm, in the hands of the tenants of the town, and render by the year 21 *s.* 8 *d.*, at the feast of St. Michael, to wit, for the acre fourpence, and in a certain other field, fifteen acres likewise at farm, and they render therefore by the year, 10 *s.* at the same term, to wit, for the acre 8 *d.*, and in another field near the meadow are twelve acres of demesne, which render by the year 12 *s.*, at the same time, to wit, 12 *d.* for the acre. There are also there of demesne twenty acres of meadow, which is worth by the year 60 *s.*, that is to say, 3 *s.* for the acre, at the same term; and there are there in the hands of the tenants 30 burgages and a half, wherefore they render by the year, with the cottages let out, 31 *s.* 6 *d.* at four stated terms. Those also of the town hold among themselves 20 oxgangs of land, for which they render by the year 40 *s.* at the same terms, to wit, for the oxgang, 2 *s.*, and for the same oxgangs, 26 *s.* 8 *d.*, at the feast of Saint Michael, and for half an oxgang 12 *d.*, and there are there eight cottages which render by the year 4 *s.* 4½ *d.*, at the same term also, the tenants of the town render yearly to the lord, for having a certain way through the middle of the meadow 12 *d.* at the same term; and for having entry to the wormstall with their cattle within the forest, they render by the year 2 *s.*, at the same term also, they render by the year 2 *s.*, at the same term for having estover . . . to be cut in the winter in the common wood, for the sustenance of cattle; and there are there two mills; one a windmill, and the other a water-mill, and they are commonly worth by the year five marks. There are also there others who hold by charters, and render their farms at the feast of Saint Michael, (that is to say) Hugh the Reeve holds two oxgangs of land, two tofts, and five shops, by executing the office of Reeve, and renders by the year 2 *s.*; Henry de Rydins for his land 15 *s.*; Richard de Trellowe, and Gilbert de Kekwijh, for land which was of John Grenetu 14 *s.* 10 *d.*; Galfrey de Bruere for his land 5 *s.*; Robert, the son of Richard de Holand 12 *d.*; Richard, the son of Richard

Richard de Blakemore 2 *s.*; the Prior of Byrkeheved holds 15 acres of land by deed, by renders 5 *s.* by the year, but they know not whether in fee or for a term; and the tenants of Derby hold of approvement of the wastes 251 acres and a half, by the greater hundred, and half a perch of land, and render by the year 4 *l.* 17 *s.* 2½ *d.*, at the same term, to wit, the acre of 4 *d.*; also they hold 234 acres by the lesser hundred, and two parts of one rood of land, and they render by the year 67 *s.* 1 *d.*; that is to say, for the acre 6 *d.*; also they hold 200 acres, except half an acre, and render by the year at the same term 7 *l.* 19 *s.* 8 *d.*, to wit, for the acre 8 *d.*; and for one acre which Rose holds 12 *d.*; and the perquisites of Courts of Derby are commonly worth by the year 10 *s.* Appendix, No. 13.

"Sum, 35 *l.* 12 *s.* 8 *d.*"

"They say also that there are in Wavertre, of demesnes, 15 oxgangs of land, which are set to farm by deed, and render by the year 45 *s.*, at 4 terms; and the tenants of the town hold of approvement 111 acres, one rood and an half of land, and render by the year 43 *s.* 9½ *d.*, to wit, for the acre 4 *d.*; and one Roger de Thingwell holds there, one oxgang of land by charter, and render, by the year 4 *d.* at the same terms. Wavertre.

"Sum, 4 *l.* 9 *s.* 1½ *d.*"

"In Thingwell there are eight oxgangs of land, which William, the son of Roger de Thingwell, holds of ancient purchase, and renders to the lord by the year one mark at the same terms. Thingwell.

"Sum, 14 *s.* 4 *d.*

"And the men of Everton hold 24 oxgangs of land, and render by the year 4 *l.* 16 *s.*, at four terms; that is to say, for the oxgang, 4 *s.*; and they hold of approvement of the wastes 34 acres and an half and one rood and an half of land, and render by the year 17 *s.* 5½ *d.*; to wit, for the acre, 6 *d.* Everton.

"Sum, 113 *s.* 5½ *d.*

"And they say that the rents of assize of Lyverpole are worth, by the year, 8 *l.* 7 *s.* 6 *d.*; also the herbage of the garden of the Dovehouses, 10 *s.*; and the passage over the Mersey, 26 *s.* 8 *d.*; and there are there two mills, one a watermill and the other a windmill, and they are worth, by the year, five marks; the fairs, and the tolls of the market, with foreign tolls, are worth about 10 *l.*; the perquisites of the courts of the same town are worth about 40 *s.* by the year. Lyverpole.

"Sum, 25 *l.* 10 *s.* 10 *d.*

"They say also, that Nicholas Blundell holds in Great Croseby one-eighth part of the town, of ancient purchase, and render by the reader 10 *s.*, at 4 terms; also, he holds four oxgangs of land, which were of Simon de Wakeman, by charter, by doing a moiety of suit at the Wapentake Court, and rendering by the year 10 *s.*, at the same terms. Thomas Bannaske holds three oxgangs, and doeth the other moiety of the suit at the Wapentake Court, and renders . . . . . And the tenants of the town hold of the lord 21 oxgangs of land, and render, by the year, 4 *l.*, at . . . . . and they hold a certain field of the lord, and render by the year Crosseby.

"Sum . . . 11 *s.*"

And the said counsel for the said mayor, bailiffs and burgesses also gave in evidence on the said trial a certain presentment as to wreck of the sea in the port of Liverpool, and read therefrom as follows:

"Pleas of the Crown. Before Hugh de Cressingham, William de Ormesby, John Wogan Master, John Lovett and William de Mortimer, justices itinerant in the county of Lancaster, in eight days of the Holy Trinity, in the 20th year of the reign of King Edward, the son of King Henry, the township of Liverpool comes, by 12 jurors, concerning the wreck of the sea; they say that a certain ship, which belonged to Peter le Poor, was wrecked in the port of Liverpool, in a certain place called Crossby's Chort, and William de Alkmundbury took away certain of the goods of the said Peter, which were wreck of the sea, and detained them to his own use, and it is not known by what warrant; therefore it is commanded to the sheriff that he cause him to come. Afterwards the aforesaid William came, and made fine of half a mark, by pledges of Adam de Tatelock and John de la More, of Liverpool.

"And the said William Illingworth then stated, that this was not a return made to any commission, but an entry of a presentment on the rolls of the justices itinerant as the judges go on the circuit now; that there were several that related to the town of Liverpool; that they were presentments by the hundred; and that the said matter, so read as aforesaid, was the whole of the entry of the presentment as to wreck.

"That there was no other title to the said presentment than that above set forth; that it was the roll of the judges of the circuit; there were four judges; they had each a roll for themselves; and there was also one roll called the King's roll; that that was Hugh de Cressingham's roll; that there were no other presentments relating to the harbour or port there, as to any accident."

And the said counsel for the said mayor, bailiffs and burgesses also gave in evidence, on the said trial, from the close roll preserved among the records of the Court of Chancery, in the first year of King Edward the 3d, a certain order of the said King, in part as follows:

Appendix, No. 13.

For the King, that no man of Religion shall depart the Kingdom without licence.

11.

"The King to his beloved & faithful Bartholomew de Burghersh Constable of his Castle of Dover and Warden of his Cinque Ports or to his Deputy there Greeting Whereas we being unwilling that any Abbot Prior Friar of the Order of Friars Preachers Friars Minors of Mount Carmel or any other Religious person of whatsoever condition or state he be shall depart out of our Kingdom at this time without our special licence We command you that ye permit not any such Religious person to pass out of our Kingdom through the Ports aforesaid without licence Witness the King at Huntingdon the 3rd day of August

"By the King himself."

In the like manner it is commanded to the underwritten; that is to say, amongst others, "The Bailiffs of Lyverpol."

And the counsel for the said mayor, bailiffs, and burgesses also gave in evidence on the said trial, from the Scotch Roll preserved among the records of the Court of Chancery, in the Tower of London, of the 7th year of King Edward the Third, an extract as follows:

12.

"The King to his beloved & faithful William De Clinton Constable of his Castle of Dover & Warden of his Cinque Ports or his Deputy Greeting Whereas we are given to understand that the Scots our Enemies & rebels have made & cease not daily to enter into confederacies & alliances with Men of Foreign Lands in order to make War upon us & our people as well by Sea as by Land We being desirous to obviate their Malice & to provide for the safety and defence of our Kingdom & Lands do command you that all Ships carrying the burthen of 50 tons of Wine & upwards in the ports & places within your Bailiwick now being in those Ports and places you do cause to be detained and all & singular the Owners of Ships of the like burthen of the sd ports & places which now are without these ports & places you cause to be warned that they cause the same Ships to be brought back to those ports & places with all the dispatch possible & that they cause all the sd ships to be made ready without delay & to be furnished with double equipment & other things & necessaries for War, so that they be ready & prepared to depart in our Service for the Defence of us & our Kingdom in manner as by us & our Council shall be ordained when we shall cause you or the Owners or Masters of the sd Ships to be thereupon warned & of the number of such Ships now being in the Ports & Places afsd & of others now absent you do certify distinctly & openly by your Letters with all the dispatch in your power And this as you value us & our Honour And the Salvation of our sd Kingdom you in no wise omit

"Witness the King at Twedemouth the 6th day of June

"By the King himself & the Council."

A like writ is directed to "Gilbert de Wygeton Constable of the King's Castle of Karesbroke in the Isle of Wight for providing Ships in the Ports within the Island afsd." Witness as above.

"The King to his beloved the Mayor Barons & Bailiffs of the Port of Sandwich Greeting Whereas we are given to understand" &c., as above, unto "There carrying," and then thus, "In the same Port now being in that Port, you cause to be detained and all and singular the Owners of Ships of the like weight of the same Port which now are without the sd Port you cause to be warned that those Ships to the sd Ports with all the dispatch possible" &c. as above, "unto there we shall cause to be named," and then thus, "and the number of such Ships now being in the Port afsd" &c. as above. Witness as above.

"By the King himself & the Council."

(Amongst others) "To the Bailiffs of the Town of Liverpool."

And the counsel for the said mayor, bailiffs, and burgesses also gave in evidence on the said trial from among the said last mentioned records the Patent Roll of the 35th year of the reign of King Edward the Third, in part as follows:—"The King to the Justice Chancellor Treasurer & others of our Council in the Land of Ireland Greeting Recalling to

13.

Memory how our Irish enemies & rebels and others have in great number destroyed our faithful subjects of the land afsd & have wasted their Lands & places & cease not daily to commit such evil & wicked acts & in process of time much greater are dreaded to be done unless their wickedness be sooner restrained We for the Cause afsd have determined to send our most dear Son Lionel Earl of Ulster with a competent armed force to the Land afsd & for the comfort & solace of our adherents & faithful supporters in the sd Land we have resolved to send before-hand our beloved Clerk Thomas de Baddely on whose faithfulness & circumspection we can depend to announce to you & them the news of the coming of our sd Son & to excite & on our behalf to lay the charge on you that the whole Navey of the Land afsd confidently armed shall be sent with all speed to the ports of Litherpole & Chester, & or ports lying between [them] for the passage of our sd Son to those parts so that if there be 7 days before the feast of St. Peter ad vincula next coming at the latest & to ascertain from you & to provide those things which for such his coming you shall judge useful & necessary and with all the despatch in your power to report to us or to cause to be reported by some other your advice concerning all the Premises And therefore we command you that the same Thomas in the doing & executing the premises you be attending advising & assisting & communicating to him your advice upon the sd affairs so that being thereof well advised he may be able to return to us in England to relate what things you shall decree to be so done and that the same our Son

(the

(the Lord willing) may be able more happily and more advisedly to depart to the land afs[d] In testimony whereof &c. Appendix, No. 13.

" Witness the King at Westm[r] the 10[th] day of May,

" By the King himself & the Council."

And the said counsel for the said mayor, bailiffs, and burgesses also produced and gave in evidence on the said trial, from the said last mentioned records, the Patent Roll of the 47th year of the reign of King Edward the Third, and read the same as follows:—

" The King to all singular Admirals Sheriffs Mayors Bailiffs Ministers owners masters & mariners of ships & other his faithful subjects to whom &c Greeting Know ye that we have assigned our beloved Simon Charwellen Clerk and Walter de Eure jointly and severally to press without delay all ships of the burthen of 20 Tons & upwards to 200 Tons in the Port of Bristol & in all ports & places from thence to the port of the town of Liverpool and to cause the same to be brought to the said port of Liverpool so that they be there with all the dispatch possible ready and equipped for the passage of our beloved & faithful William de Wyndsore Governor & Guardian of our realm of Ireland & of the men at Arms & others about to depart in our service in the retinue of the s[d] William at his wages & expences & there to remain for the preservation & defence of our afores[d] realm according to the order of the same William And also to take & arrest all those whom they shall find opposers or rebels to the said Simon & Walter or to either of them in the execution of the premises & to commit them to our prison there to remain until we shall cause to be otherwise demanded of them And therefore we command you that to the s[d] Simon & Walter & to each of them in the doing & executing the premises you be intendant counselling & advising as often as they or either of them shall make known to you or either of you on our behalf In witness &c. 14.

" Witness the King at Westminster the 8 day of October

" By the King himself."

And the said counsel for the said mayor, bailiffs, and burgesses also produced and gave in evidence from the office of the Duchy of Lancaster, on the trial of the said issue, a lease from King Henry the Sixth, in the 22d year of his reign, to Thomas de Latham, as follows:—" For Thomas de Lathorme farmer of the fee farm of the town of Liverpool the King &c. with the advice & consent of his council of his Duchy of Lancaster hath delivered to farm let to Tho[s] de Lathome Esq the fee farm of his town of Liverpole in the county of Lancaster with all manner of appūrts profits & commodities to the same town belonging, save & except to the same King & his heirs his park of Toxtoth to the same town adjoining & the profits of the turbary of the s[d] King called the Oldemosse & one messē with its appūrts which Henry Barker deceased lately held by the grant of Henry late King of England father of the afores[d] lord the King & except the prisage of wines within the port of the town afores[d] & to do & support all manner of charges to the same town belong[s] or incumbent which the predecessors of Rich[d] Cross Robert More Rob[t] Caudray Henry Mosock & Hughe de Botchul late farmers & burgesses of the town afores[d] have been accustomed to do & support during the term afores[d] To have & to hold the same Tho[s] & his assigns the s[d] fee farm of the term afs[d] with all manner of appūrts profits and commodities afores[d] except as before excepted from the feast of S[t] Michael the Archangel last past unto the end of the term of 5 years then next following & fully to be completed Yielding therefore yearly to the same Lord the King his heirs or assigns twenty & one pounds by the hands of his receiver of the county afores[d] for the time being at the terms of Easter & S[t] Michael by equal portions during the term afores[d] & if it should happen the afores[d] yearly rent to be behind or in part or in the whole for one mouth after any of the term or terms afores[d] unpaid then it shall be lawful for the before named Lord the King his heirs or assigns by his ministers to distrain the afs[d] Tho[s] by his goods & chattels wheresoever they shall be found within the county afores[d] & the distraints so taken to drive away & retain in their keeping until of the rent afores[d] & the arrearages of the same the before named lord the King his heirs or assigns shall be fully satisfied And if it should happen that the same yearly rent to be behind in part or in the whole for a quarter of a year after any of the terms aforesaid unpaid that then it shall be lawful for the before named Lord the King his heirs or assigns into the fee farm of his town afores[d] with all manner of appūrts profits & commodities to the same belonging to re-enter and take again & retain as in his former estate the present demise in any wise notwithstanding And for the fulfilment of all & singular these covenants afores[d] for the same Tho[s] as before named the same Tho[s] binds himself his heirs & exōrs to the before named Lord the King in £40. sterling to be paid to the same Lord the King his heirs or executors as often & when the same Tho[s] or his assigns shall make default in any covenant of the covenants afores[d] In witness whereof &c. Dated &c. at Westminster the 15th day of February in the year &c. the 22 15.

" By the Council of the Duchy aforesaid."

And the counsel for the said mayor, bailiffs, and burgesses, produced from the same office, and gave in evidence on the trial of the said issue, a certain lease from King Edward the Fourth, in the eleventh year of his reign, in part, as follows:—" The King with the advice & consent of his council of his Duchy of Lancaster has granted delivered & to farm let to Edmund Crosse a certain town called Litherpull in the county of Lancaster parcel of his Duchy of Lancaster together with two corn mills & all franchises 16.

Appendix, No. 13.

customs & liberties whatsoever & with all appūrts to the same town anciently due or belonging To have & to hold the s[d] town & also the two corn mills with all franchises customs & liberties with all other appūrts to the same town anciently due or belong[g] to the afores[d] Edmund & his assigns from the feast of S[t] Michael the Archangel last past before the date of these presents to the end of the term of 12 years then next following & fully to be completed Yielding therefore annually during the afores[d] term to the afores[d] Lord the King his heirs & assigns fourteen pounds sterling as it has been answered to our s[d] Lord the King in divers former accounts and 2/ of increase at the feast of Easter & Saint Michael the Archangel in equal portions & if it happen that the aforesaid yearly rent of 14 *l.* & 2/ be in arrear in part or in the whole for half a year after any term in which it ought to be paid & be unpaid then it shall be lawful for the afores[d] Lord the King his heirs & assigns into the s[d] farm to re-enter & retake the same in his own hands & to possess the same as in his former state any thing in the present demise notwithstanding Provided always that if any other without fraud or bad intent will give a greater increase for the afs[d] farm then the s[d] Edmund shall be bound to pay as much for the same if he wishes to have the afs[d] farm In witness whereof &[c]. Given &[c]. at Westminster the 24[th] day of Feb[y] in the year &[c]. the eleventh.

" By the Council of the aforesaid Duchy."

And the counsel for the said mayor, bailiffs, and burgesses also produced from the same office, and gave in evidence on the trial of the said issue, a certain lease granted by King Edward the Fourth, in the 14th year of his reign, in part, as follows:—" The King by
17. the advice & assent of his council of his Duchy of Lancaster hath granted delivered & to farm let to Henry Crosse Gent. the town & lordship of Lytherpoole with the appūrts in the county of Lancaster & also 1 windmill called Akersmylne & ano[r] windmill called Watremylne in the county afores[d] parcel of the Duchy afores[d] To have & to hold the town & lordship afs[d] & other premes with the appūrts to the before named Henry & his assigns from the feast of S[t] Michael the Archangel last past before the date of these presents unto the end of the term of 10 years thence next following & fully to be completed rendering therefore yearly to the before named Lord the King & his heirs £16 of lawful money that is to say for the town & lordship afs[d] with the appūrts £14 & for the s[d] mill called Ackresmylne 20[s]/ & for the other Mill called Watremylne 20[s]/ at the feasts of Easter & S[t] Michael the Archangel by equal portions and if it shall happen the said annual farm to be behind in part or in the whole for two months next after any term on which it ought to be paid not paid then it shall be lawful to the before named Lord the King & his heirs into the Town & Lordship aforesaid and other premises with the appūrts wholly to reenter & the same to take again into his hands & in its former state to possess the present Lease in any thing notwithstanding Provided always that if the aforesaid Henry shall die within the term afs[d] then the present lease immediately after the death of the same Henry shall be void & of no force these Indentures in any thing notwithstand[g] Provided also that if any other without fraud &[c]. Dated at Westminster the 20[th] day of February in the year &[c]. the fourteenth."

And the said counsel for the said mayor, bailiffs, and burgesses then produced and gave in evidence on the trial of the said issue, from the records in the Rolls Chapel, in Chancery, a certain grant made by King Charles the First, in the fourth year of his reign, in part as follows:—

18. " The King to all to whom, &c., greeting:"—Reciting a loan by the mayor and commonalty and citizens of London to Lord James the then late King, and also to King Charles, after his coming to the crown, of 229,897 *l.* 2*s.*

And reciting a contract between King Charles and the mayor and commonalty and citizens of London for a further loan of 120,000 *l.*, and for which the King had granted certain manors, lands, tenements, and hereditaments, of the yearly value of 12,496 *l.* 6 *s.* 6 *d.* And also reciting a contract for a further loan of 25,000 *l.* by the mayor and commonalty and citizens, the said King Charles, in further fulfilment of the agreements and premises in the said several contracts specified, and at the humble petition, nomination, and requisition of the said mayor and commonalty and citizens of London, did give and grant to Edward Ditchfield, John Heighlord, Humphrey Clarke, and Francis Mosse, their heirs and assigns, for ever, with other manors, lands, &c., &c.

" All that our Town and Lordship of Litherpooll parcel of the Honor of Lancaster in the aforesaid County of Lancaster with every of their rights members & appurtenances and all that Boat and passage over the Water of Mersey there & the Butchers Shambles in the said Town of Litherpoole and also all Stallage and Tolls of the Market and ffairs with the perquisites of Courts in Litherpoole aforesaid.

" And all Customs Anchorage and Keytowle of the Water of Mersey aforesaid and within the aforesaid Town or Lordship of Litherpoole aforesaid then or late in the tenure or occupation of Richard Molyneux Knight or of his assigns by a particular thereof mentioned to have been of the yearly rent or value of £. 14. 6. 8. and to have been parcel of the lands and possessions of the ancient Duchy of Lancaster And also all and singular farms messuages cottages mills houses edifices &c. &c. rivers rivulents waters watercourses fisheries fishings stallage tolls suit soc mulcts fines amerciaments courts leet and views of frankpledge hundred courts and leets perquisites and profits and all things which to courts of hundred

hundred leet and view of frankpledge pertain goods and chattels waived goods and chattels of felons &c. &c. ffairs and markets issues of courts of piepowder stallage tolls customs pickage emoluments immunities acquittances and hereditaments whatsoever with all and singular their rights, members and appurtenances And the reversion and reversions remainder & remainders &c. &c." Appendix, No. 13.

And the said King Charles did further grant to the aforenamed Edward Ditchfield, John Heighlorde, Humphrey Clarke and Francis Mosse, their heirs and assigns, that they their heirs and assigns should thenceforth for ever have, hold and enjoy—

"So many such like the same such and the like courts leet view of Frankpledge law days assize and assay of bread and wine and all goods and chattels waived estrays goods and chattels of felons and fugives felons of themselves and put in execution outlaws and convicts and other felons whatsoever deodands escheats reliefs heriots free warren hawking hunting and all other rights jurisdictions franchises liberties priveleges customs immunements acquittances profits commodities advantages emoluments and hereditaments whatsoever so many as much as the like and which and as fully freely and entirely and in as ample a manner and form as any Duke of Lancaster or any abbot or prior abbess or prioress of any then late Monastery Abbey Priory or Hospital or any other or any others the aforesaid Castles Lordships Manors Messuages Lands Tenements and Hereditaments and other the premises by the now Abstracting Indenture of Grant before granted or mentioned to be granted or any parcel thereof ever having possessing or being seized thereof ever had held used or enjoyed in the premises by the now Abstracting Indenture of Grant, before granted or mentioned to be granted or in any parcel thereof by reason or pretext of any Charter gift grant or confirmation or by reason of any Letters Patent by the said King Charles or by any of his Progenitors or Ancestors then late King or Queens of England theretofore had made granted or confirmed or by reason or pretext of any Act or Acts of Parliament or by reason or pretext of any lawful prescription use or custom theretofore had or used or otherwise by any lawful manner right or title and as fully freely and entirely and in as ample manner and form as the said King Charles or any of his Progenitors or Ancestors then late Kings or Queens of England the premises by the now abstracting indenture of grant before granted or any parcel thereof had used or enjoyed or ought to have had used or enjoyed."

And the said King Charles, for his heirs and successors, did further grant to the aforenamed Edward Ditchfield and John Heighlorde, Humphrey Clarke, and Francis Mosse, their heirs and assigns—

"All and singular the aforesaid Lordships Manors Messuages Lands Tenements and Hereditaments and other the premises by the now Abstracting Indenture of Grant before granted or mentioned to be granted and every parcel thereof with every their rights members and appurtenances as fully free and entirely and in as ample manner and form as all and singular the same premises and every parcel thereof to the said King Charles hands or to the hands of any of his Progenitors or Ancestors then late Kings or Queens of England or to the hands of any or either of them by reason or pretext of any dissolution suppression surrender or release of any late Monastery Abbey or Priory or by reason of any Act of Parliament or Acts of Parliament or by reason of any Exchange or acquirement or of any surrender gift or grant, or by reason of any attainder or forfeiture or by reason of Escheat or by any other lawful manner right or title coming or ought to have come or in the said King Charles's hands then being or ought to have been Except however always and out of the now abstracting indenture of grant to the said King Charles his heirs and successors always reserved all Forests and Chaces and parks then used & filled with Deer and all Knight's fees wards &c. Marriages and all advowsons donations free dispositions and rights of patronage of all and singular Rectories Churches and Vicarage Chapels and Ecclesiastical benefices whatsoever within the premises before granted or any parcel thereof or to the premises or any or either of them belonging pertaining incident appendant or incumbent Also except all Mines of Gold and Silver within or upon the premises being or to be found and all Prerogatives to the same Mines belonging.

"To hold the aforesaid town of Litherpoole by the now abstracting Indre of Grant before granted as parcel of the aforesaid duchy of Lancaster or to the same duchy ment[d] to be annexed with every their rights members and appurts to the said King Charles his heirs or successors as of the manor of Enfield in the county of Middlesex by fealty only in free and common socage and not in capite nor by military service in fee farm for ever.

"By and under payment of the yearly rent to the said King Charles his heirs and successors for and on account of the aforesaid lordship and town of Litherpoole in the same county with the appurts of £. 14. 6. 8. to be paid at the times & in the manner therein mentioned."

Executed by the said King Charles, at Canterbury.

And the said counsel for the said mayor, bailiffs, and burgesses then produced and gave in evidence on the said trial an examined copy of an indenture of bargain and sale of the 4th of December 1635, enrolled in the said chapel, and made between Edward Ditchfield, citizen of London, and others of the one part, and the Right honourable Lord Molyneux and Viscount Maryborough and others of the other part, in tenor and effect as follows:— 19.

"By Indre of Bargain and Sale made between the said Edward Ditchfield John Heighlord Humphrey Clark and Francis Moss of the one part & the Right honourable Richard Lord Molyneux Viscount Maryboro' Sir Tho[s] Walmesleye of Dunkenaugh in the

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county of Lancaster knight William Fuzakaley of Kirby in the s[d] county of Lancaster gentleman & John Nutter of Pendle in the s[d] county of Lancaster of the other part.

"It is witnessed that the aforesaid Edw[d] Ditchfield John Heighlord Humphrey Clarke & Francis Mosse by the appointment & direction of the aldermen & commonalty of the city of London as well in consõn of 10*s.* to the said Jn° Humphrey & Francis by the aforesaid Sir Thomas Walmesley Wm Fuzarkerley and John Nutter paid as in consideration of £. 450 by the said Richard Lord Molyneux paid to the hands of Robert Bateman then Chamberlain of the s[d] city of London to the use of the said mayor commonalty and citizens did grant bargain sell & confirm to the aforesaid Sir Thomas Walmesley William Fuzakerley and John Nutter their heirs and assigns,

"All that the town and lordship of Litherpool parcel of the duchy of Lancaster in the county of Lancaster with all their rights members and appurtenances,

"And all that ferry and passage over the water of Mersey there,

"And the butchers shambles in the said town of Litherpoole,

"And also the stallage and tolls of the markets and fairs and perquisites of courts in Litherpoole aforesaid.

"And all customs anchorage and keytowle of the water of Mersey afs[d] and within the aforesaid town or lordship of Litherpoole aforesaid then or late in the tenure or occupation of Sir Richard Molyneux knight or his assigns by the particular thereof ment[d] to be of the yearly rent or value of £. 14. 6. 8., & to be parcel of the ancient lands and possessions of the duchy of Lancaster and the reversion and reversions remainder and rem[rs] and the rents & yearly profits of all & singular the same premes and of every part & parcel thereof as fully freely and entirely and in as ample manner and form as the said King Charles by his letters patent as well with his Great Seal of England as the seal of the Duchy of Lancaster & the seal of the county palatine of Lancaster bearing date the 9th day of Sept[r] 1629 gave and granted the premises or any of them to the aforesaid Edw[d] Ditchfield Jn° Heiglord Humphrey Clarke & Francis Mosse & their heirs in fee farm except as in the said letters patent is excepted.

"To hold unto & to the only and proper use of the said Sir Thomas Walmsley William Fazakurly & John Nutter their heirs & assigns in fee farm for ever subject to the yearly rent of £. 14. 6. 8., which by the aforesaid letters patent was reserved for the aforesaid town and lordship of Litherpoole with the appurts at the time and in the manner therein mentioned.

"Duly executed.

"Inrolled in Chancery 29th day of January 1635."

And the counsel for the said mayor, bailiffs, and burgesses then produced and gave in evidence on the trial of the said issue a certain Indenture dated the 27th May in the 24th year of the reign of Charles the Second, and made between the Right Honourable Cary[l] Lord Viscount Molyneux and John Tatlock, of the first part, and the mayor, bailiffs and burgesses of the second part; and Lawrence Brownloe and others of the third part, in part as follows:—

27th May 1672. Lease for 1,000 years from Tatlock, &c., to the corporation of Liverpool.

"By Indres of Lease between the said Cary[l] Lord Viscount Molyneux & the said John Tatlock of the first part the said mayor bailiffs and burgesses of Liverpool aforesaid of the second part & Lawrence Brownloe of Liverpool aforesaid Alderman Thomas Andoe Henry Corles John Chandler of Liverpool afs[d] Alderman Peter Lurtury of Liverpool aforesaid Alderman John Stuzzaker of Liverpool afs[d] Alderman Thomas Bickersteth Thomas Johnson James Jerrom of Liverpool afores[d] Merchant Silvester Richmond of Liverpool aforesaid Gentleman Rob[t] Secome of Liverpool aforesaid Gentleman Robert Williamson of Liverpool aforesaid Mariner and Edward Farleton of Liverpool aforesaid Mariner of the third part.

"Reciting the said Grant or Letters Patent of the 9th day of September 4th Charles the 1st.

"And the Bargain and Sale of the 4th day of December 11th Charles 1st.

"And also reciting that the said Thomas Walmsley W[m] Fuzerkerly and John Nutter the trustees of the said Richard Lord Viscount Molyneux were all dead, of whom the said John Nutter was the survivor without issue and Rob[t] Nutter his heir was likewise dead having had no other issue but daughters (that was to say) Elizabeth Eleanor and Margaret of whom the said Elenor was dead having issue one Richard Crombotle of Larkhill in Whalley her son and heir and the said Margaret was also dead having issue Henry Robinson of Chatburn her son and heir and stating the premises to be then vested in the said John Tatlock in trust for the said Cary[l] Lord Viscount Molyneux by Indentures of Lease and Release of the 14th and 15th September 12th Charles 2[d].

"And also reciting that divers variances suits controversies and debates had of then late been between the said Cary[l] Lord Viscount Molyneux with others on his behalf and the said mayor bailiffs and burgesses or others on their behalf concerning several claims and demands by the said Cary[l] Lord Visc[t] or others within out of or from the said town and borough of Liverpool or near the same which differences had been since composed and the agreement of the 20th day of March in the 24th year of the reign of his then said sovereign Lord King Charles the Second entered into.

"It is witnessed that for the considerations therein mentioned they the said Cary[l] Lord Viscount Molyneux and John Tatlock did grant demise bargain and sell unto the said Lawrence Brownloe T. Andoe H. Corles J. Chandler P. Lurting J. Sturzaker T. Bickersteth T. Johnson J. Jerrom S. Richmond R. Secome R. Williamson and E. Tarleton their executors administrators and assigns—

"The

"The Town and Lordship of Liverpool and the customs anchorage and keytoll and all the hereditaments and premises comprised in the hereinbefore abstracted indenture of bargain and sale and in the said letters patent except the ferry-boats and cattleage and passage over the said water or river of Mersey and all and every the burgage rents within the said town and boro' of Liverpool.

"To hold except as before excepted unto the said several persons parties thereto of the third part their executors administrators and assigns for the full term of 1,000 years.

"Subject to the payment of the yearly rent of £. 30 at the time therein ment[d].

"Executed by the said Carry Lord Viscount Molyneux and Jno. Tatlock & attested.

"Inrolled in the High Court of Chancery."

And the counsel for the said mayor, bailiffs, and burgesses gave in evidence on the said trial a certain indenture of lease, dated 17th October in the 12th of William the Third, as follows:

"This Indenture tripartite made the seventeenth day of October in the twelfth yeare of the reigne of our Sovereigne Lord William the Third of England Scotland France and Ireland King Defender of the Faith &c. anno Dñi one thousand seven hundred betweene the Right Honorable Sir William Molyneux bart. Lord Viscount Molyneux of Maribugh the Honorable Richard Molyneux esquire son and heir appar[t] of the said William Lord Viscount Molyneux and John Tatlock gent son and heire of John Tatlock late of Cunscough in the county of Lancaster gentleman deceased of the first part the major balives and burgesses of the towne corporate and burrough of Leverpoole in the said county of the second part and William Clayton Jasper Mawditt and Thomas Johnson esquires James Benn Thomas Sweeting and William Preeson aldermen and Thomas Tyrer Richard Houghton Richard Norris Levimus Hughson John Cleevland and Thomas Bicksteth merchants all of Leverpoole aforesaid upon the third part Wittnesseth that the said William Lord Viscount Molyneux Richard Molyneux and John Tatlock for and in consideration of the rent hereinafter reserved and of the sume of Fifty-three pounds of lawful English money to the said William Lord Viscount Molyneux and Richard Molyneux alreadye in hand paid and for divers other good causes and valuable consideracõns them hereto moving have demised granted leased set and to farme letten and by these presents doe demise grant lease sett and to farm let unto the said William Clayton Jasper Mawditt Thomas Johnson James Benn Thomas Sweeting William Preeson Thomas Tyrer Richard Norris Levinus Hughson John Cleeveland and Thomas Bicksteth their executors and assigns All that and those the towne and lordshippe of Leverpoole otherwise called Letherpoole parcell of the possessions of the dutchy of Lancaster or of the honour of Lancaster in the said county with all and singular their rights members and apptenñces and all the flesh shambles within the said towne of Leverpoole and alsoe all the stallage and toll of the severall marketts and faires there from time to time held and to be held and all and every the perquisites and profits of the severall courts there from time to time held and to be held and all the customes anchorage and key tolls of in or upon the river or water of Mersey there and within the said towne and lordship of Leverpoole and all and singular the comonds wastes and waste grounds boundaryes and territories thereof and all and singular the royalties franchises immunities priviledges jurisdictions liberties rights tyth estates uses trusts titles claims and des whatsoever of them the said William Lord Viscount Molyneux Richard Molyneux and John Tatlock party to these presents and every of them within out of from or unto the said town or borough of Leverpoole or the liberties thereof or other the demised or mentioned to be demised premises which they the said William Lord Viscount Molyneux Richard Molyneux and John Tatlock or any of them can or may claime by virtue or under one indenture of bargaine and sale inrolled bearing date the fourteenth day of December in the eleventh yeare of the raigne of our Soveraigne Lord King Charles the First and made between Edward Ditchfield John Heighlord Humphrey Clarke and Francis Mosse citizens of London of the one part and Richard late Lord Viscount Mollineux Sir Thomas Walmsley knight William Fazakerley and John Natter of the other part or by venture of any letters patents or any grant or other conveyance under any letters patents or otherwise or by any other way or means whatsoever (the ferry boates battalage and passage over the said water or river of Mersey and all and every the burgage rents within the said town and borough of Liverpool out of this present demise or grant excepted and foreprized To have and to hold the said town and lordship of Leverpoole and all and singular other the premises with their and every of their appurtenances (except before excepted) unto the said William Clayton Jasper Mawditt Thomas Johnson James Benn Thomas Sweeting William Preeson Thomas Tyrer Richard Houghton Richard Norris Levinus Hughson John Cleeveland and Thomas Bicksteth their executors admõrs and assigns from the day of the date hereof for and during the tearmes and space and unto the full end and tearme of nyne hundred seventy-two yeares thence next ensuing and fully to be compleat and ended Yielding and paying therefore yearely during the said tearme unto the said John Tatlock his heires and assignes in trust for the said William Lord Viscount Mollineux during his life and after his decease in trust for the said Richard Molyneux his heires and assignes during the residue of the said tearme the yearly rent of thirty pounds of lawfull money of England at the feast of St. Michaell the Archeangell yearely during the said tearme which said demise or grant hereby made under the yearely rent aforesaid is nevertheless made and by all the parties hereunto hereby declared to be upon trust and confidence and to the only use and behoof

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of the mayor baylives and burgesses of the said towne and borough of Liverpoole aforesaid and their successors for and during all the said term hereby granted And the said William Lord Viscount Molineux Richard Molineux and John Tatlock do hereby for themselves severally and respectively and for their several and respective heirs execrs & assignes covenant promise grant and agree to and with the said major baylives and burgesses and their successors and assignes that the said major baylives and burgesses or the said William Clayton Jasper Mawditt Thomas Johnson James Bunn Thomas Sweeting William Preeson Thomas Tyrer Richard Houghton Richard Norris Levinus Hughson John Cleeveland and Thomas Bicksteth their executors administrators and assignes in trust for the said major baylives and burgesses shall and may from time to time and at all times during the said tearme hereby granted paying the aforesaid rent as itt is hereby reserved quiettly and peaceably have hold use occupy possess and enjoy all and singular the before granted premises and every part and parcel thereof with their and every of their apptenēces (except before excepted) without ye lett stop suite trouble interrupcon circcon ejection disturbance or impediment of them the said William Lord Viscount Molineux Richard Molyneux and John Tatlock or any of them or of any other person or persons whatsoever lawfully claiming or to claim the premises or any part thereof by from or under them the said William Lord Viscount Mollineux Richard Molyneux and John Tatlock or any of them or any other person or persons in trust for them or any of them And that they the said William Lord Viscount Molyneux Richard Molyneux and John Tatlock and each of them and their and each of their heires execrs and assignes and all and every other person and persons lawfully claiming or to claim the premises or any part thereof by from or under them the said William Lord Viscount Molyneux Richard Molyneux and John Tatlock or any of them or in trust for them or any of them shall and will from time to time and at all times hereafter within the space of tenn yeares now next ensuing upon the reasonable request of any person or persons sufficiently authorized thereunto by the said major baylives and burgesses of the said borough for the time or by the said trustees for the said mayor baylives and burgesses parties to these presents or the major part of them at the costs and charges in the law of the said mayor baylives and burgesses make and execute or cause to be made and executed all and every such further lawful and reasonable act and acts thing & things assurances and conveyances in the law whatsoever for the further or better conveying assuring and confirming of the premises hereby granted with their appurtenances (except before excepted) unto the said major baylives and burgesses and their successors or to any person or persons in trust for them for and during soe much of the tearme hereby granted as shall then be unexpired and not determined and under the rents and covenants herein contained be the same by fine or fines sur concessit or sur concesserunt lease or leases confirmacon or confirmacons as by the said major baylives and burgesses or their successors or by any other person or persons by them lawfully authorized thereunto or by their counsell learned in the law shall be reasonably devised or advised and required so as such person or persons to be required soe to make such further conveyances or assurances be not compelled to travel or goe from his or their several and respective place or places of aboad for the making or executing thereof And the said major baylives and burgesses doe hereby for them their successors and assigns covenant promise grant and agree to and with the said William Lord Viscount Molyneux Richard Molyneux and John Tatlock their heirs and assigns that they the said major baylives and burgesses their successors and asses or some of them, shall and will well and truly pay or cause to be paid unto the said William Lord Viscount Molyneux Richard Molyneux and John Tatlock their heirs or asses the said yearly rent or sume of thirty pounds of lawful English money yearly dureing the said tearme at the days and times before herein mentioned for the same to be paid as aforesaid And it is hereby mutually agreed and declared by and between all the said parties to these presents that for the further and better assurance of the pmisses hereby granted according to the true intent and meaning of these presents one fine sur concesserunt of the same pmisses by the name of One Mannour and two thousand acres of wast ground with the appurtenances in Leverpoole aforesaid or by other proper name or names shall at the now next assizes to be held for the county palatine of Lancaster aforesaid according to the usual manr of levying of fines there be had and levyed by the said William Lord Viscount Molyneux Richard Molyneux and John Tatlocke unto the said William Clayton Jasper Mawditt Thomas Johnson James Benn Thomas Sweeting William Preeson Thomas Tyrer Richard Houghton Richard Norris Levinus Hughson John Cleeveland and Thomas Bicksteth to hold from the day of the date of these psents for and during the aforesaid tearme of nyne hundred seventy two yeares, yielding and paying therefore unto the said John Tatlocke his heirs and assigns the said yearely rent of thirty pounds upon every the feast day of Saint Michell the Archangell yearely during the said tearme And it is hereby further declared that the said fine soe to be had and levyed and the estate hereby conveyed shall be and the conuzes of the said fine shall stand and be possessed of and in the pmisses soe to be comprised in the said fine and the use thereof is hereby declared to be and shall be adjudged and taken to be to the only use and behoofe of them the said William Clayton Jasper Mawditt Thomas Johnson James Benn Thomas Sweeting William Preeson Thomas Tyrer Richard Houghton Richard Norris Levinus Hughson John Cleevland and Thomas Bicksteth their executors and asses for and during all the aforesaid tearme in trust and for the sole and only benefitt and behoofe of the said major baylives and burgesses of Leverpoole aforesaid and their successors for and dureing all the said tearme And it is hereby further declared that the said rent of thirty pounds to be reserved by the said fine shall be in trust for the said William Lord Viscount Molyneux

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Molyneux during his life and after his decease In trust for the said Richard Molyneux and his heirs and assēs dureing the residue of the said tearme And it is hereby further covenanted agreed and declared that the said yearly rent of Thirty pounds hereinbefore reserved and to be reserved in the said Fyne is not a distinct or separate rent but the same rent with or in lieu and stead of the like yearly rent of Thirty pounds reserved and made payable out of the hereby demised premisses dureing a great numbr of yeares yet to come unto John Tatlocke decd and his heires In trust for Carill late Lord Viscount Molyneux his heires and assēs (whose heire the said William Lord Molyneux now is) in and by one Indenture tripartite dated the twenty seventh day of May ano Dñi one thousand six hundred seventy two and made of the premisses between the said Caryll late Lord Molyneux and John Tatlock decēd on the first part the said Major Balives and Burgesses on the second part and severall trustees on their behalfe on the third part And it is hereby further agreed and declared by the p̄ties to these presents that only one of the said yearely rents of Thirty pounds shall be pd in manner aforesaid during the tearme hereby granted which said in part recited Indenture of Lease is hereby covenanted agreed and declared in all parts thereof to be ratified and confirmed In witnesse whereof the parties abovesaid to these p̄sents have hereunto interchangeably put their hands and seales the day and year first above written.

"Executed by the said William Lord Viscount Molyneux Richard Molyneux and John Tatlocke and attested and receipt for consōn money indorsed."

And the said counsel for the said mayor, bailiffs, and burgesses, produced and gave in evidence on the trial of the said issue, certain indentures, dated respectively the 3d and 4th of February 1777, between Mary Johnson and Johnson, sisters and co-heiresses of Margaret Johnson, wife of the Rev. William Johnson, formerly Elizabeth Tatlock, spinster, daughter of Richard Tatlock, deceased, eldest son and heir-at-law of John Tatlock of the first part, and the Right Hon. Lord Viscount Molyneux of the second part, and the mayor and burgesses of Liverpool of the third part, in part as follows:

23.

"Indentures of Lease and Release between Mary Johnson of Prescott in the said county spinster and Susanna Johnson of the same place spinster two of the three sisters and coheirs of Bellingham Johnson late of Prescot aforesaid esquire deceased and coheirs of Amelia Johnson late of Prescot aforesaid spinster deceased the other sister and coheir of the said Bellingham Johnson who was the son and heir at law of Elizabeth late the wife of the Revd William Johnson then of Prescot Clerk formerly called Elizth Tatlock spinster which Elizth Johnson was one of the daughters and heirs of Rd Tatlock late of Prescot afsd Gent. deceased & sister & heir at law of Ellen Tatlock spinster decēd the only daūr & coheir of the sd Rd Tatlock which Richard was the eldest son and heir at law of the sd John Tatlock decēd of the 1st part, The Right Honble Sir Charles William Molyneaux Bart. Lord Viscount Molyneaux of Mary Borough Earl of Sefton in the Kingdom of Ireland of the second part & the Mayor Bailiffs & Burgesses of Liverpoole afsd of the 3d part."

3d & 4th Feb. 1777. Conveyance of the reversion of all the premises in the above-named lease to the Corporation and Liverpool.

Reciting the grant or letters patent of the 9th day of February, 4th Charles 1st.

And the indenture of bargain and sale of the 4th day of December, 11th Charles 1st.

And also reciting certain indentures of lease and release of the 14th and 15th days of September, 13th Charles 2d, contained in the said hereinbefore abstracted indenture of lease of the 27th day of May 1762, by which the premises had become vested in the said John Tatlock.

And also reciting, that by indenture, duly executed, bearing date the 7th day of March 1670, and made between Francis Lord Horley, Sir Charles Harberd, Sir William Howard, Sir John Talbōt, Sir Robert Steward, and William Harberd, esquire, trustees for the sale of fee farm rents and other rents of the Crown of the one part, and John Tarnworth, gentleman, of the other part:

"It was witnessed, that the sd trustees, in obedience to the order of the Treasury, and in consōn of £. 251. 17. paid to his then Majesty at the receipt of the Exchequer out of 5*s.* paid to the said trustees did grant bargain sell alien assign release and confirm to the said Lord Tarnsworth and his heirs all that the sd annual or fee farm rent of £. 14. 6. 8. reserved & issued by virtue of the sd letters patent above recited out of the manor of Liverpool aforesaid and then or late payable to the King by the said Viscount Maryborough to hold unto the sd John Tarnworth his heirs & assigns."

And also reciting a bargain and sale of the 28th day of September 1671, and inrolled in Chancery, whereby the trustees for the sale of the said fee farm and other rents, did grant, bargain, and sell to the said John Tarnworth, the said annual fee farm rent of £. 14. 6. 8.:

"To hold to the said John Tarnworth his heirs & assigns."

And also reciting that the said sum of 251*l.* 17*s.*, the consideration mentioned in the said two several last-mentioned deeds, was the property of the said Caryl Lord Molyneaux, and the said John Tarnworth was a trustee for him in respect of the same rent thereby conveyed.

And also reciting the articles of agreement of the 6th October, 23d year Charles the 2d, the said indenture of lease of the 27th day of May 1672, the said Indenture of lease or confirmation of the 17th day of October 1700, and the said fine levied at the March assizes in the 13th year of King William the 3d.

And also reciting that the said Mary Johnson and Susannah Johnson, the then co-heirs at law of the said John Tatlock, the son being since deceased, was seized in fee-simple of the reversion and inheritance of the said township and lordship of Liverpool, with the rights, members, and appurtenances thereof, and of the said flesh shambles, stallage, tolls of markets and fairs there, perquisites and profits of courts there, customs, anchorage, and keytolls

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keytolls of the said River Mersey, within the said town or lordship, and of the royalties franchises, and immunities, privileges, jurisdictions, liberties, hereditaments, claims, and demands within, out of, or from the same town and liberties, demised and leased by the said several indentures of the 27th day of May, in the 24th year of the said King Charles the Second, and the 17th day of October 1700, respectively, and expectant on the determination of the said lease, and also seized in fee of the said reserved rent of 30 *l.*, and of the said ferry boats, cattleage, and passage over the said River Mersey, in trust for the said Charles William, then Earl of Sefton, and Lord Viscount Molyneaux and his heirs, and the same Earl was then seized in fee of the said burgage rents in the said several leases mentioned and excepted.

And also reciting certain articles of agreement, bearing date the 13th day of September then last past, between the said Charles William Earl of Sefton party thereto, of the one part, and the then mayor and bailiffs of the town of Liverpool aforesaid, and divers of the burgesses thereof, in behalf of themselves and the rest of the burgesses of the said town, of the other part, whereby the said William Earl of Sefton, in consideration of 2,250 *l.*, did covenant to grant, bargain, sell, release, and convey to the said mayor, bailiffs, and burgesses, and their successors, the fee-simple, reversion, and inheritance of the said town and lordship of Liverpool, and all and singular other the hereditaments and premises comprised in and granted by the said indentures of lease and confirmation thereof above mentioned, or either of them, and also the said yearly rent of 30 *l.*, and the ferry boat, cattleage, and passage over the said water or river of Mersey, and the rents due, accustomed, and paid to the said Charles William Earl of Sefton, amounting in the whole to the yearly sum of 20 *l.*, or thereabouts, and also the burgage rents within the said borough and town of Liverpool, amounting to the yearly sum of 12 *l.* 7 *s.*, together with the appurtenances:

"To hold to and to the use of the said mayor bailiffs and burgesses and their successors.

"It is witnessed that for the consõns therein ment^{d} they the s^{d} Mary Johnson & Susanna Johnson at the request and by the dirõn of the said Charles William Earl of Sefton did grant demise and release and the said Charles William Earl of Sefton did grant bargain sell alien remise release ratify and confirm unto the said mayor bailiffs and burgesses (in their actual possõn &c.) and to their successors and assigns for ever—

"All that and those the town and lordship of Liverpool.

"And all the flesh shambles within the said towne of Liverpool.

"And all the stallage and toll of the several markets & fairs there from time to time held and to be held and all and every the perquisites and profits of the s^{d} courts there from time to time held and to be held.

"And all the customs anchorages and keytolls of in or upon the river and water of Mersey and within the said town or lordship of Liverpool otherwise Liverpoole aforesaid.

"And also all & singular the commons wastes and waste grounds boundaries & territories thereof & all & singular the royalties franchises &c. &c. and the said yearly rent of £. 30.

"And it is by the said Indre of Release further witñed that for the consõns aforesaid the said Charles William Earl of Sefton did grant barg^{n} sell alien remise release ratify & confirm unto the said mayor bailiffs and burgesses in their actual possõn &c. and to their heirs successors and assigns—

"All that and those the said ferry boats cattleage & passage over the said river and water of Mersey.

"And all and every the rents & payments due & accustomed and paid to the said Charles William Earl of Sefton amounting then in the whole to the yearly sum of £. 20 or thereabouts.

"And also all and every the burgage rents within the said town & borough of Liverpool then due & payable to the said Charles William Earl of Sefton & wch have been anciently and immemorially paid to and received by his ancestors amounting then in the whole to the yearly sum of £. 12. 7. or thereabouts.

"And all and singular farms &c.

"And the reversion &c.

"And all rents &c. except all forests chases parks with deer therein knight's fees wards marriages advowsons mines of gold and silver as in the s^{d} letters patent were excepted.

"And all the estate &c.

"Tog^{r} with all deeds &c. and true copies thereof &c.

"To hold the same with their and every of their appurts unto & to the only proper use and behoof of the said mayor bailiffs & burgesses and their successors & assigns for ever.

"Exẽted by the said M. Johnson J. Johnson & the said Charles William Earl of Sefton & attested and receipt for consõn mõy indorsed signed and witnessed."

4th February 1777.

By Indenture of Bargain and Sale of this date between the said Mary Johnson and Susanna Johnson of the first part, the said Right honourable Sir Charles William Molyneaux, bart., Lord Viscount Molyneaux of Maryborough and Earl of Sefton, of the second part, and the said mayor, bailiffs, and burgesses of Liverpool aforesaid, of the third part:

The said town and lordship of Liverpool, and all the premises comprised in the last abstracted indenture, are granted, bargained, and sold, released, and confirmed to the said mayor, bailiffs, and burgesses.

The bargain and sale is executed by the said Mary Johnson, Susanna Johnson, and the said

said Charles William Earl of Sefton, and attested and receipt for consideration money indorsed, signed, and witnessed.

Inrolled in the Court of Common Pleas at Westminster.

And the counsel for the said mayor, bailiffs, and burgesses produced and gave in evidence on the said trial from the muniments of the Right honourable Lord Sefton, a certain lease granted by King Henry the Eighth, in the 20th year of the reign, as follows:

"The King &c. has let to farm to Alice Gruff widow and Hy Ackers the farm of the Town and Lordship of Lytherpole with the appurts in the County of Lancaster also the farm of one Boate & the passage over the Water of Mersey all the farme of the Butchers Shambles there & the farm the stallage & tolls of the market & fairs with the perquisites of the Court there also the farm of the customs & anchorage of keyltoll of the Water of Mersey within the Lordship of Lytherpole afsd & the farm of one cornmill called Wavertree Mill in the Lordship of West Derby part of the Duchy of Lancaster in the County of Lancaster To have &c. to the afsd Alice & Henry & their assts from the Feast of St Michael the Archangel next after the date of these presents to the end of the term of 20 years then next &c. Yielding therefore yearly to the afsd Lord the King & his heirs as followeth for the farm of the town & Lordship afsd Together with the boat afsd with the passage over the water of Mercy with the Butchers Shambles & for the farm of the stallage and tolls of markets & fairs with the perqusites of the Court also for the farm of the customs & anchorage of Keytoll of the Water of Mercy within the Lordship of Lytherpole afsd £14 of ancient farm and 6 s/8 beyond of increase by the year & for the farm of the mill called acres mill 20s/ & for the farm of the mill called Wavertermyll afsd 20s/ as it is answered to the sd Lord the King at the Feast of Easter and Saint Michael the Archangel in equal portions & the same farmers & their assts shall repair sustain & maintain all the premes at their own proper costs & expences in all reparations wch belong to the sd King & his heirs touching the same durs the afsd term & so all things at the end of the said term well and sufficiently repaired & sustained in all things shall leave and if it shall happen that for 40 days &c. with proviso that if they should die &c. In witness whereof &c. dated on the last day of April in the 20th day.

"By the Counsel of the afsd Duchy."

And the said mayor, bailiffs & burgesses, produced in evidence on the said trial a certain lease made in the 21st year of King Henry the Eighth, in part as follows:

"By indre of Lease of this date the sd Hy Acres demised taken & unto farm letten unto Thomas Halghton John Walker Thomas Walker John Ireland William Walker Roger Fazakerley Wm Seacome Richard Barker and Nicholas Thomason and the Burgesses and Commonalty of Lyopole all the customs tolls flesh shamawes and Ferry Boat of Lyvpole with all sails cables & other necessaries and advantages to the said customs tolls fleshamawes and Ferry Boats belonging and before times accustomed and used To have hold & pceyve all & evy the aforesaid customs tolls fleshmawes & ferry boate wh all the pfetts & advantage of theym unto the sd Thos John Thomas Walker John Ireland Willm Rogr Wm Seacome Ric & Nic Thomason & Burgesses & Comynalty to the pfett used & advantage of the Burgesses & Comynalty of the town of Lyvpole before sayd from the feast of Saynt Michell tharchill next to come aftyr the date hereof untill the end of the tme of vj yrs then next and immediately ensuing paying therefore yerly evy yer unto the said Hy his assign or leyful attorney ten pounds stlingg at the festes of Pastree & Saynt Michell tharchill by even porcions and also the sd Thomas John Thomas Walker John Ireland William Roger William Seacome Ric & Nic Thomasson & Burgess & comynalty of Lyvpole by yse presents covenantin and grauntyn to redelyv the sd fleshamwes & ferry boate at the ende of the said vj yers as well repelled & upholden as they receyve them or elles anr boate as good that was when they receyved it And also that the said Henry by these presents covenanteth and graunteth that aftyr the ende of the said vj years the sd Thomas John Thomas Walker John Irelonde William Rogr William Seacome Ric & Nic Thomasson & Burgesses and comynalte of Lyvpole before sayd shall have hold & pceyve that on half of all the sd customs tolls fleshamawes & ferry boat with all the advantages of the same durys all such tyme & yers to the said Henry the sd customs tolls fleshamawes and ferry boate with all the advantages of the same durying all such time & yērs to the sd Henry the said Customes Tolls fleshamawes and ferry boat hath anv lessee or graunte of and in the said Thomas John Thomas Walker John Ireland William Rogr Wm Seacombe Ric and Nic Thomasson Commonalty of Lyvpole to pay or cause to be paid yerely & evy yere unto the said Henry his assign or leyfull attorney fyve pounds stling at ye sd festes of Pasche and Saynt Mychell tharchill by even porcions and to make half the costs of repelling and upholding of the said Fleshamawes & Ferry boat and the said Henry to make that other half of the costs of repelling of the same during all the time as is before said and the said Henry to occupye that other halfe of the Customes Tolls Fleshamawes and ferry boate to his own proper use and advantage Provided always that if the said Henry decesse wth in the sayd time or times before spoken then the said graunte dymyse to cease and be voyd and the said Henry and the said Customes tolls fleshamawes & ferry boate wh the advantage of the same unto the said Thomas John Thomas Walker John Irelond William Rd William Seacome Ric & Nic Thomasson & Burgesses & Comonalty before said during all the time or times before said in manr and forme before said agayn all kalke shall adwarrante and defende

25.

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In witnesse whereof the said pties aythe anends other entchaungeably haf sette theyr seales Guiven the day & yer before said

P me *Thomas Hayghton John Walker John Irelond.*

(Four Seals.)

"These Persons were present at the Sealling of this Writing."
(None named.)

26. And the said counsel for the said mayor, bailiffs, and burgesses gave in evidence on the trial of the said issue a certain lease made the 28th of Henry the Eighth, in tenor and effect following:—"The King &c. hath to farm let to Thomas Holcroft Esq^re the Town & Lordship of Litherpole in the County of Lancaster also one Boat and the Passage over the Water of Mersey and the Butchers Shambles there and also the Stallage and tolls of the Mart and Fairs with perquisites of Courts in Litherpole afs^d also the Customs & Anchorage of Keiltolle of the Water of Mercy within the Lordship of Litherpole aforesaid and one Windmill called acres mill another Windmill called Wavertree Myll within the Lordship West Derby parcel of the Duchy of Lancaster in the County of Lancaster To have & to hold the Town and Lordship aforesaid and o^r prem̃es with the appurts to the before named Thomas and his assigns from the feast of Saint Michael the Archangel last past before the date of these presents unto the end of the term of 26 years thence &c. (that is to say) for the farm of the Town and Lordship aforesaid also for the boate aforesaid with the passage over the Water of Mercy with the Butchers Shambles and for the farm of Stallage and the Tolls of the Marts and Fairs with the perquisites of Courts of Litherpole aforesaid also for the farm of customs and anchorage or Keiltoll of the Water of Mercy within the Lordship of Litherpole aforesaid fourteen pounds of ancient farm at 6/8 besides for the last increase by the year and for the farm of the mill called acresmill aforesaid 20*s*/ and for the farm of the mill called Wavertremill 20/ sterling as it is answered to the Lord the King at the Feasts of Easter and Saint Michael by equal portions & the same farmer and his assigns shall repair sustain and maintain all and singular the premises at his proper costs and expences in all repairs which to the Lord the King and his heirs in the same pertains during the term aforesaid and all the same at the end of the same term well and suff^y repaired and sustained in all things shall leave And if it should happen &c. for 40 days &c. with the accustomed proviso In witness whereof &c. Dated at London on the 20th day of February in the 28th year of the Reign of King Henry the 8th.

"By the Council of the Duchy aforesaid."

27. And the said counsel for the said mayor, bailiffs, and burgesses gave in evidence on the trial of the said issue a certain lease "Dated the 3rd day of September in the 31st year of the Reign of King Henry the 8th and made between Sir William Molyneaux of Sefton in the County of Lancaster Knight upon the one part and Chris^r Hugh Mayor of Litherpole Thomas Walker William Walker Rog^r Walker John Hope Thomas Fayrclough Rauff Burley Richard Raysford Alex^r Garnet Rauff Segerston & Robert Barker of the said Town of Litherpole within the said County upon the other party Whereby it is witnesseth that whereas the King our said Sovereign is Lord by this Indre under the Seal of the Duchy of Lancaster bearing date at London the 20th day of February in the 28th year of his Reign by the advice and assent of his Counsel of his Duchy of Lancaster hath granted betaken and to farm let to Thomas Holcroft Squire the town and lordship of Litherpole with the appurts &c. as in the lease to the said Thomas Holcroft And also whereas the said Thomas Holcroft by indre dated the 27th day of August in the 29th year of our said Sovereign Lord his reign made between Sir William Molyneaux of Sefton in the co^y of Lancaster knight of the one party and the said Thomas Holcroft esquire upon the other party hath given granted & demised to the said Sir William Molyneaux the said town and lordship of Lithpole w^th the appurts and all the prem̃es before granted to be taken and to farme lette to the said Thomas Holcroft To have & to hold the said town and lordship of Lithpole and all other the prem̃es to the said William Molyneaux his ex̃ors & assigns from the said feaste of Saynt Michell tharchangell in the xxvijj^th yre of the reigne of or^e Sovereign L^d the King unto the end & tyme of xx^th years then next and immediately foloyng fully to be complete & ended if the said Thomas Holcrofte soe long doe liff Now the said Sir W^m by this p̃sent Indre for chyn consideracons him movyng hath granted betaken and to firme lette to the s^d Ch^r Hoghe may^r of Lithpole Thomas Walker & o^rs before named of the town of Lyth^rpole the mayte or halfe of the town & lordship of Lytherpole with the appurt̃es in the said co^y of Lancaster and also the said Sir William hath granted betaken and to farme lett to the said may^r and the said before named the moyte or halfe of the yerly pfitts coming & growyng of one boote & passage ov^r the water of Mercy of the fleshamels & also the moyte & halfe of the yerly pfitts of the stallage & tolle of the marketts & fairs with the pqsites of courts in Litherhole afs^d & also the mayte halfe of the yerly pfitts of the custom & anchorage or keytolle of the watt^s of Mercy wt^n the lordship fore said To have & to hold the mote or halfe of the yerly pfitts of the said town & lordship afs^d & the mayte or half of the yearly pfitts of all and every o^r the prem̃es with thapptenances to the said mayor & o^r before named of the said town of Lith^rpole from the feste of Saynte Michell tharchangell next to craft the date of these present Indres unto the end & term of fifteen yers then next followinge & fully to be complete & ended

ended if the said Thomas Holcroft so long do liff Yielding and paying therefore yearly to the said Sir William Molyneaux his exōrs & assigns at the feast of Penticoste lvj^{s} viij^{d} and at the feste of Saint Michael the Archangell three pounds xj^{s} iij^{d} of lawful money of England and also the said mayor & the said before named of the towne of Lith^{r}pole shall yearly during the said time discharge & save harmless the said Sir William his heirs exōrs & assigns of that one half of all the costs and charges that shall belong hereaf^{r} to be made in anywise of in & for the premēs & every pcēll thereof anends o^{r} said Sovereign Lord the King & the said Tho^{s} Holcroft & so yearly discharged to leave the same as well in the reparat^{ns} of the said boote as the fleshamells and all other thyng or thyngs apperteyning to pmises at the end of theyr said tme & for the sure & true yearly paym^{t} of the said sume of £. 10 well and truly to be paid by the said meyr & the before named of the said towne of Litherpole to the s^{d} Sir William his exōrs or assigns the said mayor & the bef^{e} named graunted to the bounden by their escript obligtirie to the s^{d} Sir William his exōrs & assigns in the sum of One hundredth pounds sterling & also the said Sir William Molyneaux concenteth and graunteth for him his exōrs & assigns to & with the said may^{r} and the before named of the town of Litherpole that he the said Sir William or his assigns from time to time at all times upon the reasonable request of the said may^{r} & the before named of the town of Lithpole shall shew forth the said Indrē made between the said Sir William and the said Tho^{s} Holcrofte berying date xxvijth day of Aug^{t} in the xxix yer of o^{r} said Soveign Lord his reigne for the bnfite commodite & pfitt of the s^{d} mayor & the before named & meyntining of this present Lease In witness whereof to these Indrēs the pties above named ent^{r} changeably have sett their sealls the day & yer above said.

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"P me, *Rauff Sckerston.*
at *Thomas Faurclyff*, p^{r} me, *Thom Hawke.*
Alexder Garnett. *Robart Barear.*"

(Endorsed)

"These prsōns were present when these wtings were sealit.

"*John Bolton*, sen^{r}.
Wyllms Stoner.
R^{d} Warmycham & *H$_{y}$ Norris*,
et multis aliis."

And the said counsel gave in evidence, on the trial of the said issue, from the book of leases and patents of the Duchy of Lancaster, a copy of the inrollment of a lease, dated the 24th of November of the 37th of Henry the 8th, in part as follows:—

Translation.
Town and lordship of Litherpole.
28.

"The King has let to farm to Sir William Molineaux knight & Rich^{d} Molyneaux son of the aforesaid William esq^{re} witnesseth that whereas the aforesaid Lord the King by a certain other Indrē sealed with the seal of his said Duchy of Lancaster bearing date of London the 20th day of February in the 28th year of his reign did by the advice & assent of his counsel of his Duchy of Lancaster aforesaid grant & demise, & to farm let to one Thomas Holcroft knight by the name of Thomas Holcroft Esquire the town & lordship of Litherpole with the appurts in the cōy of Lancaster & also one ferry boate and the passage over the water of Mercy and the butchers shambles there and also the stallage & tolls of the markets & fairs, with the perquisites of the courts of Litherpole afs^{d}; & also the customs and anchorage & keiltoll of the water of Mercy within the lordship of Liverpole aforesaid and one windmill called Wavertre Myll within the lordship of West Derby parcel of the duchy aforesaid in the county of Lancaster afsaid to have and to hold the town & lordship aforesaid & other the premēs with the appurts to the aforesaid Thomas Holcrofte and to his assigns from the Feast of Saint Michael the Archangel then last past before the date of the same Indrē unto the end of the term of 21 years then next & rendering therefore &c. for the farm of the town and lordship aforesaid, also for the aforesaid ferryboat with the passage over the water of Mercy with the butchers shambles, & also for the farm & the stallage & tolls of the markets & fairs with the perquisites of the Court of Lytherpole aforesaid & also for the farms of the customs & anchorage & keill toll of the water of Mercy with the lordship of Litherpole afs^{d} £. 14 of ancient farm and 6/8 beyond for the last ancient increase by the year & for the farm of the mill called Acresmill aforesaid 20^{s}/ and for the farm of the mill called Wavertre Mill aforesaid 20^{s}/ sterling in manner as it was answered to the said Lord the king at the feast of Easter and Saint Michael the Archangel by equal portions and that the same Thomas and his assigns should repair sustain and maintain all and every the premēs at their proper costs and charges in all reparations which to the aforesaid Lord the King and his heirs in the same should belong during the same term and all the same at the end of the aforesaid term well & sufficiently repaired & sustained in all things sho^{d} leave with a certain clause in the aforesaid Indrē above specif^{d} that if it should happen that the aforesaid rent in the aforesaid Indrē should be in arrear and unpaid in part or in the whole for 40 days next after any term of payment in which it ought to be paid, that then it should be lawful for the aforesaid Lord the King and his heirs into the aforesaid Farm to reenter and into his hands to retake & possess the same as in the former Estate the aforesaid Lease in any thing notwithstanding and with the two usual provisoes in the aforesaid Indrē specified as in the same Indrē is more fully contained And now the aforesaid Thomas is desirous to deliver up the aforesaid Indrē to him made of the premēs aforesaid to be cancelled & the same Indrē before the Chancellor and Council of the afs^{d} Duchy in the Chamber of the Duchy at Westm^{r} he hath surr^{d} up to be cancelled & it is there cancelled to the Intent

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that the afs^{d} Lord the King might graciously condescend to grant the aforesaid town and Lordship of Litherpool with the appūrts in the Cōy of Lancaster afsāid & all & every other the premes bef^{e} ment^{d} in the afs^{d} Indrē for a term of years to the afs^{d} William Molyneaux & Richard Molyneaux son of the s^{d} Will^{m} by an^{r} Indrē under the Seal of the afs^{d} Duchy whereupon the same Lord the King with the advice & consent of his Council of his Duchy of Lancaster afs^{d} hath granted demised & to farm let to the aforesaid Will^{m} Molyneaux & R^{d} Molyneaux the afores^{d} town & lordship of Litherpole with the appūrts in the Cōy of Lancaster afs^{d} and also one ferry boat & the passage over the water of the Mercy & the Butchers Shambles there & also the stallage & tolls of the markets & fairs with the perquisites of the Courts of Liverpool afs^{d} & also the anchorage or keiltoll of the Water of Mercy within the Lordship of Liverpool afs^{d} & one Mill called acres mill & an^{r} mill called wavertre mill within the Ldship of West Derby parcel of the afs^{d} Duchy in the Cōy of Lancaster afs^{d}. To have & to hold the town & Lordship afs^{d} & o^{r} the premes with the appurts to the afs^{d} R^{d} & Will^{m} & their assigns from the feast of Saint Michael the Archangel last past before the date of these presents unto the end of 21 years thence next ensuing & fully to be compleated rendering therefore &^{c} for the farm of the town & ldship afs^{d} and also for the aforesaid ferry boat with the passage over the water of Mercy with the butchers shambles & for the farm of the stallage & tolls of the markets and fairs with the perquisites of the Courts of Litherpole aforesaid & also for the farme of the Customs and anchorage or keiltoll of the water of Mercy within the Lordship of Litherpole aforesaid £. 14 for the ancient farm & 6/8 beyond for the last ancient increase by the year by the farm of the mill called acres mill afs^{d} 20^{s}/ & for the farm of the mill called Wavertre mill 20^{s}/ sterling in manner as it is answered to our Lord the King at the feasts of Easter and of Saint Michael the Archangel in equal portions & the same farmers and their assigns shall repair sustain and maintain all & every the premes at their own proper costs & charges with all reparations which belong to the Lord the King and his heirs in the same during the aforesaid term and all the same at the end of the same term and sufficiently repaired & sustained in all things shall leave & if it shall happen &^{c} for 40 days &^{c} in testimony whereof &^{c}."

And the said counsel for the said mayor, bailiffs and burgesses gave in evidence on the trial of the said issue a certain lease dated the 13th day of August, in the 38th year of the reign of King Henry the 8th, in part as follows:

"By Indrē of Lease of this date Bet^{n} Sir William Molyneaux of Sefton in the Cōy of Lanc^{r} Knyght & R^{d} Molyneaux sqruier son & heir apparrent of the s^{d} Sir Will^{m} on the
29. one part & Edmunde Gee of Chester w^{t}in the Cōye of Chester marchand on the other ptye Witnesseth that y^{e} said Sir W^{m} R^{d} for the sume of foure pounds payd to him the sayd Sir Will^{m} by the said Edmunde the day of the making hereof hath graunted demysed sett & to farm lettyn & by these psēnts graunteth demyseth settyth & to farme letth unto the said Edmunde Gee the moyte or half of the Town & Lordshipp of Lydpole with the appūrts & also the moyte or half of the yerly pfetts of the fleshammells stallage & tolle of the market of Lyvpole afs^{d} & also the moyte or half of the yearly pfetts of the custome & anchorage or keyll toll of the water of Merse within the Lordshipp afores^{d} To have & to hold the moyte or halfe of the yerly pfetts of all & evy o^{r} the prmisses with their appūrts to the sayde Edmunde Gee & his assigns from the feste & daye of the Assumpcon of o^{r} blessed Lady the Virgyn next to come after the date thereof unto the ende and terme of eight years then next followynge fully to be complete finii and endyt in as ample manner & forme as the said Sir W^{m} hath the premises of the Grante & demyse of o^{r} sayd Sovaign Lord the Kyng the said Edmunde & his assigns paying therefore yerly to y^{e} said Sir William his exors or assigns £ 8 sterlyng that is to saye at the feaste of Saynt Mychell the Archangell next to come aft^{r} the date hereof G^{e} viij and at the feast of the Annunciat^{n} of o^{r} Blessed Lady the Virgin viij and at the feast of Pentecost then next following s viij and so furthe yerly at eve of the said feasts duringe the sayd eight eyrs also the said Edmunde Gee for hym his executors and assigns coventh and graunteth to & with the s^{d} Sir William by these pnts that he the said Edmunde & his assigns yrly duringe the said tme shall discharge acuyte save & keep harmless the s^{d} Sir Will^{m} & Ryc their Exōrs & assigns of y^{e} one halfe of all y^{e} costs & charges that shall belong yerly hereinafter to be made in anywise of in or for the pmisses or any pcell thof against o^{r} Sovaign L^{d} the Kyng & all other pson or psons & so yerly discharged to leave the same as well in the repacōns of y^{e} fleshamells as all other thyng & thyngs in anywyse apteyning to the pmisses or any pcell or p^{t} thof at the ende of the sayd tme And also the said Edmunde Gee for him his Exōrs & assigns covenanteth & graunteth to & with the said Sir W^{m} by these presents y^{t} he the said Edmunde shall not at any time or tymes hereafter duryng the said tme make any assygn or assygns to occupye the pmisses or any pcell y^{e} of w^{t} out the assent and consent of the said Sir William nor shall not do nor procure to be done any acte or actes thyng or thyngs that shall be in anywise agaynes the lybe1ties of the said town of Lyvpole nor vexe nor trobell any of the burgesses of the same oywise then heretofore hath been accustomed or used with^{e} fraud or collucon & furthermore the said Edmunde for hym his exors & assigns coventh & graunteth to & with the said Sir W^{m} by these psnts that he the said Edmunde & his factors & servants at all time & tymes hereaf^{r} whens^{r} the said Edmunde or his assigns shall bryng or cause to be brought into y^{e} port or town of Livpoole any manner of Merchandize wines and wayrs that then the said Edmunde & his assign to let the said Sir William and his assigns to have the pferment and bargain from time to time of the same or so much p^{t} or pcell y^{r} off as hit shall please the said Sir William and his assigns by such reasonable pse & for such reasonable sume & sums of moy as the s^{d} Sir William and his assigns & the s^{d} Edmunde

or

or his assign reasonably can agree & for y^e sme & true pformance of all & eve the covenants graunts artycles & agreem^ts covenanted graunted & agreed conteyned and specified in those Indres on behalf of ay of the s^d parties their heirs exors & assigns well & truly to be pformed & keped the s^d parties graunts to be bounden ay ptie to the other by their escript obligator berryng date the day of the dat of these psents in the sum of one hundreth pounds sterling In witnesse whof the ptts afs^d to these Indres intchangeably have putt their sealls & subscrybed their names the day & yer abovesaid.

" Per me
" *Edmund Gee.*"

And the said counsel for the said mayor, bailiffs, and burgesses gave in evidence on the trial of the said issue a lease granted in the first and second years of the reign of Philip & Mary to Rd. Molyneaux, in part as follows:

Translation. The lordship of Litherpole, the ferry-boat and passage over the water, and the butchers shambles toll, perquisites of court, anchorage, and two mills. 30.

" The King & Queen have let to farm to R^d Molyneaux Knight & William Molyneaux son of the afsd Rich^d Esq^re Witnesseth that whereas the most dear Lord Henry late King of England the 8^th of most renouned memory deced the father of the s^d Lady the now Queen by a certain other Indre sealed with the seal of the Duchy of Lancaster bear^g date at London the 24^th day of Nov^r in the 37^th year of his reign did grant demise and to farm let to one William Molyneaux Knight now dece & the before named R^d Molyneaux then by the name of R^d Molyneaux Esq^re the toun and lordship of Lytherpoll with the appurts in the county of Lancaster & also one ferry boate & the passage over the water of mercy & the Butchers Shambles there & also the stallage & tolls of the market & fairs with the perquisites of courts of Litherpole aforesaid & all the Customs & anchorage & Keiltoll of the water of marcy within the Lordship of Litherpole afsd & one windmill called Acres Mill & an^r windmill called Wavertre Mill within the Lordship of West Derby & parcel of the Duchy afsd in the Coy of Lancaster afsd to have & to hold the toun & ldship afsd & o^r the premes with the appurts to the afs^d W^m Molyneaux K^t & R^d Molyneaux & their assigns from the feast of S^t Michael the Archangel then last past bef^e the date of the Indres afsd unto the end of the term of 21 years then next ensuing & fully to be completed, rendering therefore thenceforth yearly to the afsd Lord the King his heirs & successors that is to say for the afsd farm of the town & Lordship afsd & also for the afsd ferry boat with the passage over the Water of Mercy with the Butchers Shambles & for the afsd farm of the stallage & tolls of the markets & fairs with the perquisites of the Courts of Litherpole afs^d also for the afsd farm of the Customs & anchorage or keilltoll of the water of mercy within the Lordship of Litherpole afsd £. 14 for the ancient farm & 6/8 beyond for the last ancient increase by the year & for the afsd farm of the Mill called acres mill afsd 20^s/ for the afsd farm of the s^d Mill called Wavertree Mill & 20^s/ of lawful money of England. It was answered to the late Lord the King at the feastes of Easter & Saint Michael the Archangel by equal portions & fur^r to do in manner as in the same Indre is more fully cont^d by virtue whrof the afsd William Molyneaux K^t & Rich^d Molyneaux entered into the afsd town & Lordship of Litherpole afsd & into all and singular o^r the premes above s^d with the appurts & were thereof possed & being so thereof possed the afsd W^m Molyneaux K^t died & the before named R^d Molyneaux survived him & kept himself in posson by right of accruer & the afsd R^d is now sole possed of all & sing^r the premes above specified & the afsd R^d being so possed throf is now desirous to deliver up the afsd Indre so to him & the before named William Molyneaux K^t made of the premes as afsd into the hands of the s^d now Lord the King & the Lady the Queen to be cancelled & the same Indre before the Chanc^r & Duchy of Lancaster aforesaid in the chamber of the same Duchy at Westminster he hath surrendered up to be cancelled & it is there now cancelled To the intent that the afsd Lord the King & Lady the Queen may graciously condescend to grant the afsd Town & Lordship of Liverpool with the appurts in the Coy & all & sing^r other the premes in the afsd Indre above specified for a term of years to the before named R^d Molyneaux & W^m Molyneaux his son by an Indre under the seal of the Duchy of Lancaster afsd whereupon the same Lord the King & Lady the Queen by the advice & assent of their Council of their Duchy of Lancaster afsd have granted demised & to farm let to the before named R^d Molyneaux & W^m Molyneaux son of the afsd R^d the afsd Town & Lordship of Litherpole with the appurts in the county afsd & also the afsd ferry boat & passage over the water of Mercy & the afsd butchers shambles in the s^d town of Litherpole & also the afores^d stallage & tolls of the market & fairs with the afsd perquisites of the courts of Lytherpole afsd & also the Customs & Anchorage or Keilltoll afsd of the water of Mercy & within the afsd Toun or Lordship of Litherpole afsd & the afsd one windmill called Acres Mill & the afsd other windmill called Wavertre Mill within the manor or Lordship of West Derby afsd parcell of the Duchy in the same Coy of Lancaster To have and to hold the afsd Town & Lordship & other the premes with the appurts to the afsd R^d and W^m Molyneaux son of the afsd Richard & their assigns from the feast of Easter next ensuing the date of these presents unto the end of the term of 41 years thence next following & fully to be completed rendering therefore thenceforth yearly to the afsd Lord the King & Lady the Queen & the heirs & successors of the s^d Lady the Queen that is to say for the afsd town & Lordship afsd & also for the afsd ferry boat & with the afsd passage over the water of Mercy & with the aforesaid Butchers Shambles & for the afsd farm of the Stallage & Tolls of the Market & Fairs with the afsd payments of the Courts of Litherpole afsd & also for the afsd farm of the Customs & anchorage or Keiltoll afsd of the water of Mercy within the aforesaid Lordship of Litherpole £14 for the ancient farm & 6/8 beyond for the last ancient Increase by the year & for the afsd

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afsd mill called Acres Mill 20/and for the afsd Mill called Wavertre Mill 20^{s}/ of lawful money of England in manner as it is now answered to our said Lord the King and Lady the Queen at the feast of

So in original record.

by equal portions & the same farmers & their assigns shall repair sustain & maint^{n} all & sing^{r} the prēmes at their own proper costs & expenses in all repairs which to the s^{d} Lord the King & Lady the Queen & heirs of the s^{d} Lady the Queen in the same pērtain dur^{s} the term afsd & all the same at the end of the same term well & sufficiently repaired & sustained in all things shall leave."

7th October, 4 & 5 Phil. & Mary, 1557.

And the counsel for the said mayor, bailiffs, and burgesses gave in evidence on the trial of the said issue, a certain lease dated in the 4th & 5th year of Philip & Mary, in part as follows:

"By Indrē of lease of this date between Sir R^{d} Molyneaux K^{t} & W^{m} Molyneaux son & heir of the said Sir Rich^{d} on the one p̄tye & Jno mayr of the town of Litherpole in the s^{d} county of Lancaster & the burgesses of the same town of the o^{r} p̄tye Witnesseth y^{t} the s^{d} Sir Rich^{d} & W^{m} Molyneaux son of the s^{d} Sir Ric as well at the special instance motyn & request of the R^{t} Hoñble Hoble Henry L^{d} Strange & John Caryll squier atty of the King & Queens most Hoñble Court of their s^{d} Duchy of Lancaster as also for divers other good consoñs & causes them the s^{d} Sir Ryc & W^{m} Molyneux his son movying have demysed sett & to farme lett and by these p̄sents do demyse sett and to farm lett to the s^{d} mayor and burgesses of y^{e} said towne and borrowe of Ly℣pole the ferme of the s^{d} towne & borrowe w^{h} all and singular the yssues pfetts and emoyelts arising comying and groying w^{h}in the said towne or borrowe which they the said Sir Ric & W^{m} or any of theym have or ought to have by reason of a lease and demyse thereof unto them made under the seale of the Duchie of Lanc^{r} excepted and alwayes forp sed and reservyed all the mylms standing and beying in the said toune or borrowe or the libertyes of y^{e} same To have hold occupye use and enjoye the same farme and all other the pmisses except before excepted to the said maire and burgesses & their assigns from the daye of y^{e} dayte of these p̄sents unto the ende & terme and dyringe all the terme of one yere fully to be complete & endyt and from thensforth from yer to yer at the wyll & pleasure of bothe the s^{d} p̄tyes yelding & paying therefore yearly to the said Sir Ric. and W^{m} their exōrs & assignes the some of xil L xvj s. viij^{d} of usual mōy of England at the feast of the annunciam̄ of o^{r} blessed Lady the Virgen & Saynte Mychaell the archangell by evyn porc̄ons And the s^{d} John More maire of Ly℣pole doth Covenant & graunt to & with the s^{d} Sir Rychard Molyneux and William Molyneux by these p̄snts y^{t} they the said maire & burgesses of the s^{d} towne of Ly℣pole and all the o^{r} such p̄son and p̄sons as shall occupye or use the farme of y^{e} said towne and borrowe shall & will discharge save & keep harmlesse y^{e} said Sir Ric. Molyneux & Will^{m} Molyneux & ay of them theyr heyrs ex^{rs} & administrators & eve of them agaynst ōr Sovaign Lord & Lady y^{e} Kynge & Quenes highness y^{t} now are & the heirs & successors of o^{r} s^{d} Sovaign ladye the Quene for & conc^{9}ning y^{e} s^{d} farme of the s^{d} towne & borrowe and all other things which the said Sir Ric. Molyneux & W^{m} Molyneux his son have demysed & set to farme to y^{e} said maire & burgesses of the s^{d} towne durying all such tyme as they the s^{d} maire & burgesses or their assignes shall have hold or occupy y^{e} s^{d} farme & other y^{e} p̄misses And the s^{d} Sir Rich^{d} & W^{m} Molyneux doth covenant & graunt to & wth the said maire & burgesses by these presents y^{t} if the s^{d} maire & burgesses well & truly observe fulfil p̄forme & kepe all & sing^{r} the covñnts graunts articles & agreements by the s^{d} maire & burgesses covñnted & graunted conteyned & specified in these indent^{s} that then one single obligac̄on barring date with these presents wherein the s^{d} maire & burgesses stand bounden unto the s^{d} Sir Ric & William Molyneux in the sum of £ £ st^{9}lyng shall be voyde & of none effect & els it to stand in full strength & vertue In witnesse whereof y^{e} p̄tyes afs^{d} to these p̄nts interchangeably have sett their seals Given the day & yeare fryst above wrytten. *John More Thomas More Roger Walker* (L. S.) per me *Rob. Corbett.*"

Bond alluded to in the above.

"No℣int undisi psents nos Johem More de Bankehouse majorem ville de Li℣pole in com̄. Lanc. armiger et burgenses ejusdm̄ ville in des com̄. teneri et firmit obligari Rico Molyneux milit et Willm Molyneux armig^{9}o in ducent libris bone & legalis mones Anglie solven usdm Rico & Willm Molyneux executorizsive assign̄ suis ad festu nat^{is} dn̄ pax futūr post dat psent ad quam pudt soluevēm bene et fidelite faciend obligam nos et quem libet nem p se p toto et in sola hered & executores mōs firmit^{e} p̄ psent sigillo comei ville de Ly℣pole p^{d} sigillate. Dat. septimo die Octobris anno regnoz Php̄ et Mariæ Dei grā rege et regina Anglie Hispaniaz Fraunc utriusq Sicilie Jerusalem et Hibn̄ fidei defensorz Archida ducum Austriæ Ducei Burgund Mediolan et Brabant comit Haspurgii Flaund et Tirolis quarto et equinto.

"*John Moore Thomas More. Roger* *Rob^{t}. Corbett.*"

And the said counsel for the said mayor, bailiffs, and burgesses gave in evidence on the trial of the said issue a certain lease of the 28th year of the reign of Queen Elizabeth, in part as follows:—

Translation. Molyneux, Richard. 32.

"This Indenture, made between the most Excellent Princess & Lady the Lady Elizabeth by the Grace of God of England France and Ireland Queen Defender of the faith &^{c} of the one part and Richard Molyneux Knt. Serjeant of the said Lady the Queen and son of William Molyneux Esq. now decēd of the other part Witnesseth that whereas the Lord Philip and the Lady Mary late King and Queen of England by their indenture sealed with the seal of

of their Duchy of Lancaster bearing date the 21: day of March in the first and second years of their reigns did grant demise and to farm let to one Richard Molyneux Knt now decēd & Will^{m} Molyneux then son of the afores^{d} Rich^{d} Esq. the town & lordship of Litherpole with the appūrts in the county of Lancaster & also the ferry boat & passage over the water of Mercy & the butcher's shambles in the s^{d} town of Litherpole & also the stallage & tolls of the market and fairs with the perquisites of the courts in Litherpole afores^{d} & also the customs & anchorage of keiltoll of the water of Mercy & within the aforesaid town or lordship of Litherpool afores^{d} & with the windmill called Acresmyll & another windmill called Waventree mill within the manor or lordship of West Derby parcel of the duchy aforesaid in the s^{d} county of Lancaster To have and to hold the afores^{d} town and lordship and other the premises with the appūrts to the afores^{d} Rich^{d} Molyneux Knt. and Will^{m}. Molyneux son of the afores^{d} Richard and their assigns from the feast of the Annunciation of the Blessed Virgin Mary thence next ensuing after the date of the said reciting indenture unto the end of the term of 40 and one years thence next ensuing and fully to be completed Rendering therefore thenceforth yearly to the afores^{d} Lord the King and the Lady the Queen & to the heirs & successors of the said Lady the Queen for the afores^{d} town and lordship afores^{d} and also for the afores^{d} ferry boat with the afores^{d} passage over the afores^{d} butchers shambles & for the afores^{d} farm of the stallage & tolls of the markets & fairs with the afores^{d} perquisites of the courts of Litherpole afores^{d} & also for the afores^{d} customs & anchorage & keiltoll of the afores^{d} water of Mercy within the afores^{d} lordship of Litherpoole 14*l.* for the ancient farm and 6*s.* 8*d.* then beyond for the ancient last increase by the year & for the afores^{d} mill called Acressmyll twenty shillings & for the afores^{d} myll called Wavertre Myll 20*s.* of lawful money of England as it was then answered to the s^{d} Lord the King & the Lady the Queen at the feasts of Easter and S^{t}. Michael the Archangel by equal portions & further to do in manner as in the same indenture is more fully contained the right title term of years and interest of which same Rich^{d} Molyneux Knt. & Will^{m} Molyneux son of the afores^{d} Will^{m} Molyneux now deceased now hath as the before named Lady th^{e} Queen is now given to understand & by force thereof is now possessed of the premises and being so thereof possessed is now desirous to surrender & give up the afores^{d} indre and all his right title term of years and interest of & in the premises into the hands of the said Lady the now Queen & the same indre & all his right title term of years & interest of & in the premises now to wit in the term of Saint Michael in the 28th & 29th years of the s^{d} Lady Queen Elizabeth the same Rich^{d} Molyneux Knt. before the chancellor and council of the said duchy in the chamber of the same duchy at Westminster surrendered & delivered up to the Lady the Queen and the same is now there cancelled to the intent & effect that the aforesaid now Lady might make a grant thereof at her good will and pleasure which same surrender the afores^{d} Lady the now Queen hath accepted & doth now accept by these presents Whereupon the s^{d} now Queen for and in consideration of the good true & faithful service by the afores^{d} Richard Molyneux Knt. heretofore performed & hereafter to be performed to the s^{d} Lady the Queen by the advice & consent of her counsel of the duchy afores^{d} in the chamber of the same duchy of Lancaster aforesaid hath granted demised and to farm let to the before named Richard Molyneux Knt of the afores^{d} William the afores^{d} town & lordship of Litherpool with the appūrts in the county aforesaid and also the ferry boat and passage over the water of Mercy aforesaid and the aforesaid butchers shambles in the said town of Litherpoole and also the aforesaid stallage & tolls of the market & fairs with the aforesaid perquisites of the courts in Litherpoole aforesaid and also the custom and anchorage and keil toll of the aforesaid water of Mercy and within the aforesaid town or lordship of Litherpoole aforesaid and the aforesaid one windmill called Acresmyll and the aforesaid other mill called Wavertree Mill within the manor or lordship aforesaid of Westerbie aforesaid parcel of the duchy afores^{d} in the said county of Lancaster To have and to hold the aforesaid town and lordship and other premises with the appurts to the before named Rich^{d} Molyneux Knt. and on the aforesaid William and his son from the feast of S^{t} Michael the Archangel last before the date of these presents unto the end of the term of 31 years thence next ensuing and fully to be complete rendering therefore from thenceforth yearly to the aforesaid Lady the now Queen her heirs & successors for the aforesaid town & lordship aforesaid and also for the aforesaid ferry boat with the aforesaid passage over the aforesaid water of Mercy with the aforesaid butchers shambles and for the aforesaid farm of the stallage & tolls of the market & fairs with the aforesaid profits of the court of Litherpoole aforesaid and also for the afores^{d} customs anchorage & keiltoll of the afores^{d} water of Mercy within the aforesaid lordship of Litherpoole fourteen pounds six shillings and eight pence and for the afores^{d} mill called Acresmyll twenty shillings and for the aforesaid mill called Wavertree mill twenty shillings of lawful money of England as it is now answered to the afores^{d} Lady the now Queen at the yearly Feasts of the Blessed Virgin Mary & S^{t} Michael the Archangel by equal portions yearly to be paid during the term aforesaid & the before named Richard Molyneux Knt. for himself his heirs exōrs admōrs & assigns doth covenant and grant to and with the before named Lady the now Queen her heirs & successors by these presents that he his exōrs admōrs and assigns shall well & sufficiently repair sustain make and maintain the aforesaid mills and all and singular other the premises whatsoever and every part thereof and also all and all manner of reparations whatsoever and wheresoever necessary of in and upon the premises and every part thereof or the premises or any part thereof in any wise concerning as well stones called mill stones or otherwise from time to time at their own proper costs & expenses as often & in all places where it shall be necessary or needful during the term afores^{d} & at the end of the same term so well & sufficiently

Litherpoole.

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sufficiently repaired sustained built made & maintained in and by all things shall leave And if it shall happen &c. or this indenture shall not be inrolled within one year &c. In witness whereof &c Dated at the Palace at Westminster as well under the seal of the county Palatine of Lancaster as under the seal of the Duchy of Lancaster aforesaid the 28th day of October in the 28th year of the reign of the said Lady Queen Elizabeth.

" By the Council of the Duchy of Lancaster aforesaid. *Tusser.*"

And the said counsel for the said mayor, bailiffs and burgesses, gave in evidence, on the trial of the said issue, a certain lease, dated the 10th day of May, in the second year of the reign of King James the First, in part as follows:

(Translation).

" Richard Molyneux, Knight This Indenture made between the Most Excellent Prince and Lord the Lord James by the grace of God King of England Scotland France and Ireland Defender of the Faith &c. on the one part and Rich^{d} Molyneux Knt., on the

33.

other part Witnesseth that whereas in a certain indenture made between Elizabeth late Queen of England on the one part & Richard Molyneux Knight on the other part bearing date the 28 day of October, in the 28 year of the reign of the said Lady the Queen it is mentioned that the aforesaid Lady the Queen by the same indenture granted demised and to farm let to the aforesaid Rich^{d} Molyneux the town and lordship of Lytherpoole with the appurtenances in the county of Lancaster also one boat and the passage over the water of Mercy and the flesh shambles in s^{d} town of Lytherpoole & also the stallage & tolls of the market & fairs with the perquisites & courts in Lytherpoole afores^{d} also the customs & anchorage of keiltoll of the water of Mersey, & within the afores^{d} town or lordship of Lytherpoole afores^{d} & one windmill called Acres mill, and another mill called Wavertree mill, within the manor or lordship of West Derby, parcel of the duchy of Lancaster afs^{d}, in the s^{d} county of Lancaster To have and to hold the afs^{d} town & lordship & other the premises with the appūrt^{s} to the afs^{d} Rich^{d} Molyneux & his ass^{s} from the Feast of S^{t} Michael the Archangel last past before the date of the s^{d} indrē unto the end of the term of 31 years then next following & fully to be completed rendering therefore thenceforth yearly to the aforenamed Lady the Queen her heirs & successors a certain yearly rent with divers other covenants as in the s^{d} indrē is more fully contained Now the afores^{d} Lord the King for & in consideration of the good true and acceptable service of the aforenamed Rich^{d} Molyneux as well to the afores^{d} Lady the Queen as to the afores^{d} Lord the King heretofore done of his special grace & of his certain knowledge & mere motion hath granted demised & to farm let to the aforenamed Rich^{d} Molyneux the afores^{d} town & lordship of Lyverpoole with the appūrts in the county afs^{d} also the afores^{d} boat & passage over the water of Mercy afores^{d} and the afores^{d} flesh shambles in the s^{d} town of Lytherpoole & also the afores^{d} stallage & tolls of the market & fairs, with the afores^{d} perquisites of courts in Litherpoole afores^{d}; also the customs & anchorage & keiltoole of the afores^{d} water of Mercy, & within the afores^{d} town or lordship of Litherpoole afs^{d}; and the afs^{d} windmill called Acres mill & the afores^{d} windmill called Wavertree mill, within the manor or lordship afsd of West Derby, parcel of Duchy afsd, in the county of Lancaster; to have & to hold the afsd town & lordship & other the premēs with the appūrts to the afs^{d} Rich^{d} Molyneux and his assigns for the term of 41 years to begin immediately & as soon as the afores^{d} term of years to the afores^{d} named Rich^{d} Molyneux, by the indrē afsd made by surrender expiration forfeiture or in any other manner whatsoever shall be terminated rendering therefore thenceforth yearly to the afores^{d} Lord the King his heirs & successors for the afsd town & lordship also for the afsd boat with the afsd passage over the afs^{d} water of Mersey with the afsd flesh shambles and for the afores^{d} stallage & tolls of the market & fairs with the afores^{d} profits of the courts of Lytherpole afsd also of the afsd customs anchorage and keiltoole of the afsd water of Mercy within the afores^{d} lordship of Lytherpoole, £. 14. 6. 8.; & for the afores^{d} windmill called Acres myll 20 *s.*, and for the afores^{d} mill called Wavertree mill, 20 *s.* of lawful money of England, at the feasts of the Annunciation of the Blessed Mary & of St. Michael the Archangel in equal portions yearly to be paid during the afsd term and the afores^{d} Rich^{d} Molyneux for himself his heirs exōrs admōrs & ass^{s}, covenanted & agreed to & with the aforesaid Lord the King his heirs & successors that he his exōrs admōrs and assigns will well & sufficiently repair sustain build make & maintain the mills afsd and all and singular other the premises whatsoever and every parcel thereof and also all and all manner of reparations whatsoever & necessaries whatsoever for in & upon the premises &c. & at the end of the same his term so well &c. And if it shall happen that the afores^{d} yearly rent or any parcel thereof shall be in arrear &c. or that the indrē shall not be inrolled within one year &c. that then &c. although express mention of the true annual value or of the certainty of the premises or of any parcel thereof or of any gifts or grants by the s^{d} Lord the King or by any of his progenitors to the aforesaid Rich^{d} Molyneux hereafter made in these presents be not made or any statute act ordinance provision or restriction to the contrary thereof heretofore had made edited ordained or provided or for any other thing cause or matter whatsoever in any wise notwitstanding. In witness whereof &c. Dated at his Palace at Westminster, as well under the seal of the said county Palatine as under the seal of the Duchy of Lancaster afores^{d} the 10 day of May, in the second year of the reign of the Lord King James of England France & Ireland & of Scotland the 37.

" By Bill signed by the hand of the Lord the King
" *Gerrard.*"

And

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And the said counsel for the said mayor, bailiffs and burgesses, then offered to give in evidence, on the trial of the said issue, a certain book in writing, indorsed as follows :

" 1673. Nicholas Fazakerley,
" Account 1673.

" A true & perfect account of all sum and sums of money received & paid by Nicholas Fazakerley, receiver of the rents and revenues belonging to the Right Honble Caryll Lord Viscount Molineux, in the county of Lancaster, from the 25 day of March in the year of our Lord God 1673 unto the 25 day of March in the year of our Lord God 1674."

And the said Charles Okill being examined, stated that he found the same in the muniment room of the said Lord Sefton. That the same purported to be signed by Nicholas Fazakerley, and that the signature appeared to be in the same handwriting as the rest of the book, and to have been written at the time of the date thereof.

And the said counsel for the said plaintiffs tendered the same in evidence, to which the said counsel for the said defendants objected ; but the said Chief Justice overruled the said last-mentioned objection, and the same was read in evidence, as follows :

" Liverpool, June 4th, 1673. Received of John Pluckington of the rents there due, in the New-street, the year last, £. 5. 0. 0.
" Oct^r 22, 1673. Received more of him of the rents there due this year and for burgage rents. 12. 15. Liverpool.
" Oct^r 3^d, 1673. Received of the Bailiffs of Liverpool the rent due to my Lord from the town for one year ended to Michaelmas last according to a lease granted by my Lord to the Town. . 30. 0. 0.
" Nov^r 19. 1673. Received of William Nicholls for rent of the boats for one year ended at Midsummer 1673. . . 8. 0. 0.

" Payments and Disbursements
" Oct. 3^d Item—Paid unto M^r Samuel Fazakerley for the use of the mayor, bailiffs and burgesses of Liverpool a rent due unto them for two years ended at Michās last . . 4*d.*
" This account was declared and allowed the third day of June 1674.
" *Nicholas Fazakerley.*"

And the said Thomas Foster then produced a book, and being further examined, stated that he brought it from amongst the muniments of the said corporation, and that it purported to be a record of the proceedings of the said corporation at their portmote courts, common councils, and other meetings of the appointment of officers of the corporation, and other matters relating to the affairs of the corporation. And the said Thomas Foster further stated, that there now is, and as far back as their records enabled them to ascertain the fact, viz. from the year 1553, there always had been an officer of the corporation, called the town's customer, who had always collected for the corporation certain tolls or dues under the denomination of town's dues or customs, and that such officer was in ancient times elected annually in the same manner as the other officers of the corposation.

And the said counsel for the said mayor, bailiffs, and burgesses offered to give in evidence on the said issue a certain entry in the said last-mentioned book so produced from amongst the muniments of the said corporation, purporting to be a bond given by the said officer, called the town's customer, on his appointment.

And the counsel for the said defendant then and there objected to the reading of the said entry, and to the admissibility in evidence on the part of the said plaintiffs ; nevertheless the said chief justice then permitted the said last-mentioned entry to be given in evidence, and the same was read in evidence on the said trial by the said mayor, bailiffs, and burgesses ; whereupon the said counsel for the said defendants excepted to the said ruling of the said chief justice, and to the admission of the said evidence, and the same was then and there read as follows :—

" Johe's Crosse ar Maior, Customer's Bond entered, Ma 9, die et anna superios
26 Oct. 1681.

" Petrus Starkye de Livpoole in com. Lanc. mchaunt, Thomas Wignall de eadem villa dur et Thomas Rose de eadem, husbandma., als dcūs Thos Rose de Bakehouse venerunt coram Johne Crosse armigero Maiore ville p̄d ut p fer in p prius psonis suis et recognoverunt se debere et quilibet eorū recogn̄ se debere dicte dne Regine quadriginta libras bone et legalis monete Anglie solvena eidem dn̄e Regine hereditsrus successoribus suis in festo, S^t Martini Episcopi p̄x futur et nisi fecerint concedunt et quilibet eoru concedit quod suma p̄d levetur de terris et catallis suis ad opus dn̄e Regine hered^r & successoz suoz ad quorūcuq manus devinere contigerint."

" The condition of this recognizance is such that if the above bounder, Peter Starkye, shall & will, well & truly from tyme to tyme during such tyme as he shall use and enjoye the office of the custom^r of this towne of Liverpoole collect levie receyve and take all and e℣ye such customs & other duties auncient & accust^d whats^r which in anie wise and by anie mann^r of psōn or psons shall be due and paible unto the s^d towne by him to be received & gathered by reason or in respecte of his said office of customer and if also the s^d Peter Starkie shall & will well & truly from tyme to tyme duringe the tyme aforesaiid yield & paye unto the officers of this town to whome it shall apptaine to receive the same all and ev̄ye such customes duetees and somes of money as by hym shalbe collected & received or otherwys come to his hands for and in consideration of his said office when

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and so often as he shall thereunto reasonablie called or required that then this ptñe recognesance to be void & of none effect or els y^t to stand in full force & v̂tue.

" By me Peter Starkie."

And the counsel for the plaintiffs then read in evidence the following entry from another record-book of the said corporation produced from amongst their muniments by the said Thomas Foster, which was in like manner excepted to on the part of the said counsel for the said defendants :—

" At an assembly holden the xiijth daie of Jan^{y} 1623 before Peter Darbie gent. mayo^{r} & others on the common councell of this towne at which day consideracon beinge hadd of the presentm^{t} made by the Jury the ix daie of December last concerninge Richard Birde (being one of the councell of this towne) his concealing of Forraigners to the hindrance of the townes custome under culler of his owne goods It is concluded and agreed that the s^{d} Richard Byrd shall be excluded from the comon councell of this towne & his freedome It^{m} Whereas Richard Bird was one of the iiij^{or} Merchant Praisers and now beinge by this assembly disfranchised John Walker gent is elected in his place."

And the counsel for the said mayor, bailiffs, and burgesses then gave in evidence on the said trial, that the next preceding list of freemen contained the name of the said Richard Bird, and that the next succeeding list did not contain his name, which said last-mentioned list bore date in 1635.

And the said counsel for the said mayor, bailiffs, and burgesses then offered to produce and give in evidence on the said trial certain other entries from another of the said books of the said corporation, so produced from amongst their muniments as aforesaid, relating to the disfranchisement of one Thomas Marchall, and of one William Cross, therein named.

" At a Council held the 4th February 1767 :

" On information having at this council been lodged by John Rigby a freeman of this borough & corporation against Thomas Marshall another freeman of the said borough for that he the s^{d} Thomas Marshall hath lately defrauded the mayor bayliffs and burgesses of Liverpoole of their towns dutys and customs on several quantitys of white salt & rock salt It is ordered that the s^{d} Thomas Marshall be summoned to appear before the common council of the s^{d} borough on Monday the sixteenth day of this instant February at four o'clock in the afternoon of the same day in the council chamber within the Exchange in Liverpoole aforesaid to answer the following information &c. :"

" At a Special Council held this sixteenth day of February One thousand seven hundred and sixty-seven :

" It is Ordered that Thomas Marshall shall be summoned to answer the Information exhibited against him last Council day by John Rigby for defrauding the Mayor Bailiffs & Burgesses of the Town of Liverpoole of certain Towns duties & customs due & payable to them on certain quantities of rock salt and white salt by him exported from Liverpool on account of Joseph Pieters to appear and answer the said information on the fourth day of March next a 4 o'clk in the afternoon before the mayor Bailiffs & Common Council or a suff^{t} number of them."

" At a Council held this 4th day of March 1767 :

In the register book of freemen Marshall is struck out as disfranchised.

" It is ordered that the said Thomas Marshall of Nortwich in the cōy of Chester salt proprietor be now disfranchised & expulsed from his freedom of this Borough & Corporation of Liverpoole for covering sev^{l} parcels of merchandize the property of Joseph Pieters a foreigner in the name of his own proper goods & merchandize, from paym^{t} of the towns customs due & payable thrōn to the s^{d} Mayor Bailiffs and Burgesses of Liverpool And the said Thomas Marshall is hereby disgraced & expulsed from the freedom of free Burgess of this Borough and Corporation of Liverpoole aforesaid & from all rights liberties franchises duties & privileges incident or belonging to a free burgess or freeman of the s^{d} Borough for ever or until he shall or may be hereafter restored to the same by the s^{d} Mayor Bailiffs & Common Council or their successors at any time hereafter none present gainsaying hereto."

" At a Common Council held the 3rd day of December 1788 :

" Ordered that in consequence of one William Cross a barber & freeman of this town having freed the goods of one Maskew a confectioner whereby the towns duties have been defrauded he be summoned to attend the next council in order to make his Defence theoñ under pain of Disfranchisement & That W^{m} Corfe Butcher be likewise ordered to attend on the like account."

" At

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"At a Common Council, held the 1st day of April 1789:

In the register book of freemen Cross is struck out as disfranchised.

"William Cross, barber, a freeman of this town, having been, pursuant to an order of the Common Council of this town, held on the 3d day of December, duly summoned to appear at the present council to answer to the charge and information hereinafter set forth, and now in his own person confessing that he is guilty thereof; the council do order and adjudge that the said William Cross be disfranchised and expulsed from his freedom of this borough and corporation of Liverpool; and the said William Cross is hereby disgraced and expulsed from the freedom of a free burgess of this borough and corporation of Liverpool aforesaid, and from all the rights, liberties, franchises, duties and privileges incidental or belonging to a freeman or free burgess of the said borough, or until he shall or may be hereafter restored to the same by the said mayor, bailiffs, and common council or their successors, at any time hereafter, none present gainsaying hereto."

And the said Charles Okill, again examined on oath, stated that he had examined the antient record books of the said corporation, that it appeared from the examon of those books that auditors were occasionally appointed, and that the accounts of public officers were audited by them.

And that the said counsel for the said mayor, bailiffs, and burgesses, in order to prove the appointment of certain auditors for the purpose of auditing the accounts of the public officers of the said corporation, and the appointment of certain collectors of the town's customs, and of certain treasurers of the said corporation, and to prove that the said auditors had found that certain sums had been paid or were due to the said corporation from certain persons in some of the said entries mentioned for and on account of the said town's dues, and in order to prove that the said auditors, collectors, and treasurers had otherwise acted in the discharge of the various duties of their respective offices, offered to read and give in evidence certain entries in the said ancient record books of the said corporation so produced from amongst the muniments of the said corporation as aforesaid: Whereupon the said counsel for the said defendants then objected and insisted that the said entries, so far as the same referred to the appointment of the said auditors and other officers of the said corporation above named, merely purported to relate to agreements made between the said corporation and certain persons other than the said defendants, that those persons should perform certain services as officers of the said corporation, and that therefore the same entries were not by law admissible in evidence on the trial of the said issue for the purposes aforesaid; nevertheless, the said chief justice then admitted the said last-mentioned entries as evidence on the said trial for the respective purposes last aforesaid; whereto the counsel for the said defendants then and there excepted, and certain of the same entries were then read as follows:—The first of which was an entry of the election of officers of the corporation at a portmote court holden the 22d October 1571, and was as follows: "Christ^{r} Holden Customes and collection of the fee farms John Maynwayring Rauff Jamisson John Williamson et Austine Turner his & H^{y} Blyckhead Sub-collector & toll-gatherer W^{m} Golbrand keeper & head Porter of the Comyn Warehouse of this town R^{d} Abraham & Jno Willmson his maynṗnors & pledgs W^{m} Golbrand Collectors of mōy due by forain wayns."—The second of the said entries purported to be a record of a proceeding at a Common Council, and was as follows: "Magister Thomas Bavand Maior 1572-31st February.

"In this Congregacon It is agreed upon that the eight Auditors to wete John Maynwayringe Tho^{s} Bastwwyll Geo Ashton Richard Abraham Rauff Jammisso Austine Turner R^{d} Hickmough & John Goore shall assemble themselves to mete in this hall before the next eleccōn day thear to hear et determine all they accompts of M^{r} Rauff Burscough last Maior et all officers in his tyme sae as it may be well known what mōy restith unto the towne & by whome."

The third proposed to be an entry of the proceedings at an audit of the accounts of the several Officers of the Corporation, & was as follows:—

"26th November 1572 Pa. 33.

"Item by this Audite holden the xxvij of November a^{o} 1572 Xpofer als Christ^{r} Holden and his pledgs or sureties are found due and owing to this town for one whole yere endyd at Saynt Luke Evangelist daye last before this present audyte fyve pence Witnesses above seyd - - 5 7 5

"Item at this audite W^{m} Golbrand is acquitted of all charges and duties for all years ended at & upon S^{t} Lukes Day last past, before this Audite; and the said audite was agreed by John Maynwayring Ric. Araham John Gore & Richard Gelebrand John Lyrting John Gelebrande Geo. Raynforth Thomas Inglefield and Adam Pondleton.

From the Election of Officers at the Portmote Court (20th October 1572).

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"This townes Collector of the Customes Christr Holden with his pledgs vizt Thos Secū Aldermā George Asheton Jno Maynwayring, & Rauff Jamersson for the accompt paymt & due sr̄vise by the sd Christ. to be had & done accordying to the awncient use & custome; & the said pledgs have to this registre put their hands severallie gevyn.

"Signed *Thomas Scum.*

"Signum *Johnis X/ Willmson*
"*George Ashton.*
"*Xpoffer Holden.*

"Thomas Hichmough Sub Customes Collector.

"William Gilbrand Custos Ante meims et sumus portor huius &c. et p eo venuit Magist Thomas Bavand Alderman Thos Englefield Johnes Jolibrand et Ricus Abraham Qur manuceperunt quilibet, eoz manucapt ꝑ sœpo in quit ꝑ et unacū ꝑ doo willmo es ꝑ pleg 9 *d.* ipe willmo juste et fedelit tractavit mercatories omnes et mamonia posit et ponend et custod s. et 9 *d.* eis just ed fidele accompt et solut bones meimonioz es et rem omn & ꝑ ut. In uis orei testimōn ꝑ de pleg et quilibet eoz sepali hinc registrar di vero.

"Signed "*Thomas Bevand.*
"*John Gelebrond.*
"*T. E.*

"Collectors of Money of foraine carts & waines Williams Golbrand Jur. Thos Hichmough Jur."

And from the sd Books & the entry was read the election of Officers of a Portmote Court 26th Octr 1573.

"Towne Custum Christr Holden the maynꝑnors & pledgs non per.

"Signed "*George Ashton*
"*Thomas Bayley*
"*Rauffe Mellynge*
"Signed "*Johnis Willmson*

"William Golbrand kep of the common Warehouse :|: his maynꝑnors & pledgs no Jur.

"by me *Thomas Bavand*
"by me *John Gelebrand*
"by me *Ric Abraham*
"*R. E.*

"William Golbrand Jur. Thos Hichemough Jnr Collectors of Wayns."

And the following entry of an audit was then read (17th Decr 1594):

"Christopher Holden Collector & town custome for the yere endyd in October ao 1574 bryngyth his accompts befe Thoma Bastwell George Ashton Rd Abraham Rauffe Egecar Rauffe Mellyng Humfrey Olgreave Thomas Roose junr Willm Byrrie & Adm Pendilton the xvijth day of Decr Ano Supr &c. In the wch accompt the above named Xpofer Holden is found due & resting to this Town for arrearages a 1753 in the some of thrie pounds usuall mōy of England & his sureties for the same year.

"Mor the sd Xpofer is fond restyng & due to this towne for the foresaid last year of 1754 endyd in October the same year of 1574 in the some of fyve pounds suma totalls which the said Xpofer Holden & his sureties John Williamson armr George Ashton Rauff Millyng & Thomas Bailie must paye or cause to be paid upon theschequer in the Comyn Hall of this towne of Liverpool the 25th day of Marche next ensuing the daye of this registre or before is eight pounds fyve shillings & three pence I sey £8. 5. 3. usuall money of England In witness whereof the seyd Xpofer hath put his hand together with Mr Maior now beying to the booke of all accomptes before these auditors.

"*Note.*—That Thomas Hichemough sub Collector &c is found due to the sayd Xpofer Holden in xxxij undelayed paymt as witness his own hand put to the same booke of the foresayd Auditors ꝑ Ric Abraham J.

"William Golbrone Town Bailiffe this yere bryngith into this Audit 2o Decembris 1574 & for the last yere endyd festo sci fuce evangelist di vero nie elleccoīs ex antique laudabit consuet decimo octavo die Octobris ulto elaps &c and for a subseqe. fyr he knowledgyth himself to this Town for the Rowne and Office of the Comyn Warehouse into the wich he is admitted for this yere until the next alecon daye & bryngith in old pledgs & securitys before in this Booke registered (vizt) 4. 4. 0.

"Money leyd out pd & disbursed by the seyd Willm. Golbrand the last year before his as followth vizt" (then follow sundry items amounts to 39s 6d)

"Mor allowed to the sayd Wm Golbrand ixs vd which the town was due to him by the last audit in Mr. R. Corbett time last Maior 9s 5d

"Some stall by him paid is just fortye nine shylinges three pence soe the sayd Wm Golbrand restith to this towne of chardges for his begynyng out the foresayd last Eleccōn daye just fore shylyngs & one penny.

"Mor due to this towne by the said Wm Golbrand for certayn custom by hym received in absence of Chr Holden as aperith by hys own booke xs xd The said Wm Golbrand & Thomas Hichmough are found due to this towne for forain wains and carts. . . 2s. 8d.

(Signed) ℣ "Ric. Abraham."

And

And for the entry of an audit holden Nov^{r}. 23^{d} 1573.

" Item and in this Audite syttng in the Hall 23^{d} Nov^{r} A° Eliz. R. xvj upon the accomptes & Christ^{r} Holdens townes custum & Thomas Hichmough subcustum his receipts of things als amounts to - - - - - - - - £4 15 0½

" Mor the receipt of his outgats amounteth to - - - - - 4 16 2

" Mor the receipt for the Quynes maist^{s} rental - - - - - 15 6 6

" Mor for tolle stallage &^{c} and tolle corn - - - - - - 10 6 6

" Mor that he hath to receive of Mr. Rauff Burscoughe & of Maister Thomas Bavand for the discharge of the French Mchants amongst whom Martine was sone & 20 *s*.

" Suña totals receipt - - - - - - - - - - - £36 4 2

" Suña suor or soluco Ang^{e} payments for this year last endyd at Set Luke Evangelist daye 1573 amounts to 29 4 2 we saye—

" Soe restith due to this towne by the sayd Christ^{r} Holden & his pledgs & maynpses bef^{e} registered in this booke upon his accompts for the yere endyd 18th Oct^{r} last seyvyn pounds just.

" Item and in this audite the said Christ^{r} Holden is found due & restyng to this town in the sñe of thirty oone shylyngs syx pense as residue of they former yeres accompt taken in this Hall by the auditors that tyme beying xxxj^{s} vj^{d}.

" Page 71. It^{m} & we they foresayd auditors finde this town due unto Willia Golbrand nyne shylynges five pence.

" Which entry was registered by the following persons as Auditors.

" *John Mainwayring*
" *Rich^{d} Abraham*
" *Jones Chambers*
" *Rich^{d} Henchmough*
" *Ruffe Melling*
" *Adam Pendilton*
" *John Goore*
" *Adam Boose.*"

And another entry of the election of officers, at a Portmore Court holden the 25th Oct^{r} 1574 was then read.

" Richard Abraham o^{r} Town Custom.
" Thomas Hichmough Sub Custum.

" W^{m} Golbrand (Town Bailiff aforesaid) Kep of the Comyn Warehouse Cu Pleg suis antiques.
" W^{m} Golbrand Thoma Hichmough collector of money by forayn wayns & carts."

And an entry from the proceedings at a Portmote Court, holden 25th October 1576 was read as follows:—

" Item. We do agree that the executors or sureties of R^{d} Abrahams late Customor for the year that M^{r} Jno. Maynwayring was Mayor shall bring their accounts to the next audit."

And another entry of a proceeding at a Common Council holden 12th December 1578 was read as follows:—

" Item. M^{r} Maior appointeth that an audit sh^{d} be had & sitten for the takin & hearing of all such accounts belongs to this Town as were unaccounted, & that the same audite shall be holden & begin the 7th day of January next ensuing the date above written; & these persons to be the Auditors viz. M^{r} Anthony Moore Richarde Aspenall John Grar John Thomas Peter Starkie John Bredde Rauffe Wynstanlye Homfray Oldgreave & John Hewet to accompany them."

And an entry of part of the proceedings at the next audit Dated 13th January 1578 was read as follows:

" Item the said Auditors do fynde by good accompte that the executors or admors of the late Richard Abraham decessed stand indebted unto the town all things allowed that ought to be allowed from the beginning of the worlde till the pfectinge of this said Audite convening thaccompte of his late office during his natural liffe the juste some of £ 4. 13. 10.

" Item the saide auditors doe fynde by good accompte that Xpofer Holden & his sureties viz^{t}. George Ashton decessed John Willmson Thomas Bayley & Rauffe Mellyng decessed rest due unto the towne payable by them & their exōrs & admōrs all things allowed that ought to be allowed from the beginnynge of the worlde till the feast day of Saynte Luke thevangelist last past &^{c} the juste sume of 43/3.

" Item the Auditors aforesaid doe finde by good accompte that Thomas Hichmoughe standeth & is duly indebted unto the towne all things allowed that out to be allowed from the beginninge of the worlde to the feast day of S^{t} Luke the Evangelist last past before the commencement of this audite the just sume of 43/8.

" Item the said auditors do fynde by good accompte that W^{m} Golbrande is indebted & owinge unto the towne all things accompted y^{t} owe to be accompted & all things

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allowed that ought to be allowed from the beginninge of the worlde till the feaste of S[t] Luke last past bef[e] the audite, the just sum of 22[s] 2[d].

"Item the said auditors do fynde by good accompte that Thomas Bastwell townes custome ys cleare with the town for the year that M[r] Bavand was last maior concerning his office of townes customor nihil abit nihil debit p evdem anno just wch s[d] Audite was signed by

"*Anthony Moore*
"*John Brydde*
"*Richard Aspenall*
"*John Goar*
"*Ralph Winstanley*
"*John Hewet*
"*Humfrey Hargraffe*
"*Robert Howlin*
"and *John Lyrting.*"

And an entry of the election of officers at a Portmote Court, holden 21st October, B. G. 4, was then read as follows:—

"Townes customer - - - - - Peter Starkie.
Hall-keeper - - - - - - - Richard Cross, Gent.
Sub-customer - - - - - - Xpofer Holden als carver."

And at an entry of proceedings at an audit holden 28th November 1595 was read as follows:—

"Imprimis accompted with Peter Starkie the townes customer whose receipte for the last year ended upon the feast of Saint Luke thevangelist last past before the date hereof, so weie in the maioraltie of M[r] Bird above named do arryse unto as by his accompte duly cast over & perused doth appear as followeth (viz[t]) for ingates fifteen pounds fourteen pence of outegates to six pounds eleven shillings eight pence & aine money to seaven pounds nyneteen shillings seven pence, in toto £. 29. 12. 5. of paid over to thande of Gilbert Formbie late bailiffe of the said towne & so resteth charged upon the accompte of the said Gilbert Formbie and the said Peter Starkie tho[f] clearly discharged for ever.

"Item accompanied with Mr. Cross Haullkeeper or keeper of the Common Warehouse of this towne whose receipt for the same last yere touching his office ended as above said do arise unto as by his accompt dulye cast over & pused doth appear viz[t] for ingates to thirteen pounds ten shillings & eight pence outgates fore pounds three shillings two pence & for portage 12 shillings in toto 18[l] 5[s] 10[d] paid over to thande of the said Gilbert Formbie & so resteth charged upon his accompte & the said Richard Crosse thereof clearly discharged for ever.

"Item accompted with John Ryle sub Customer of the s[d] towne whose receipte for the same last year touching his office ended as above said do amount to the whole for toll and carts to the just sum of nine pounds fourteen shillings tenne pence paid over to thande of the said Gilbert Formbie, and resteth chargable upon his accounts and the said John Ryle thereof clearly discharged for ever, which said last mentioned audit was signed by

"*Robert Moore,* Mayor
"*Will[m] Moore*
"*John Cross*
"*John Brydde*
"*Robert Berry*"

Another entry from the appointment of officers at a Portmote Court, holden 25th October 1672, was then read as follows:—

"Thomas Rowe - - - - - - Towns Customer.
William Gully - - - - - - Sub-Customer."

And another entry from an audit, holden the 12th January 1674, was then read as follows:—

"In Cash per Customer - - - £. 060 17 6
Petty Customs - - - - - - 019 08 10."

"The above accounts audited before us

"*James Jerrom,* Mayor
"*Thomas Bickersteth*
"*Thomas Johnson*
"*Henry Corles*
"*J. Richmond*
"*Peter Lurting*
"*Saml. Fazakerley*
"Auditors, Liverpool."

And

And the said Charles Okill, being examined on the said trial, stated that he pretty generally found in the annual appointments that of a towne's customer, but that it was occasionally omitted.

And the said Charles Okill being further examined, stated that the election of a towne's customer took place every year, with but few omissions, until 1712, when Nathan Smith was elected, and that he was annually appointed until 1724; that in 1716 the corporation came to a resolution to appoint a treasurer, and that thenceforth no more audits were found in the record books of the corporation.

Entries were then read from the record books, showing that in 1724, Mr. Richard Alderson was elected collector of the town's customes, during pleasure, who in 1761 was succeeded by Lawrence Spencer, who, in 1779, was succeded by Henry Hamer, who in 1787 was succeeded by James Clements, who, in 1796 was succeeded by William Crosbie, junior, who in 1821 was succeeded by Thomas Corrie, who still held the office; that in 1818 Edward Nevet was appointed receiver of the town's customs at Runcorn, and held the office until 1831, when he was succeeded by Richard Jones. Entries were then read from the said record books of the appointment of Aldermar Morecroft to the office of treasurer in 1716, of Peter Hall in 1720, of Henry Trafford in 1721, of William Cole in 1734, of Edward Forbes in 1759, of Matthew Strong in 1760, of John Crosbie in 1773, of Thomas Golightly in 1789, and of John Devon Case in 1820.

And the said Charles Okill being cross-examined by the counsel for the said defendants stated, that there were many entries of the appointment of officers and of auditors besides those which had been read, that they occurred almost every year, and that a few only had been selected at different periods, to show what the practice was; that some of the audites were not signed by the auditors; that the oldest record book of the corporation began in 1533, and that the first audit signed by the auditors was in 1558.

And the said Charles Okill being further cross-examined by the said counsel for the said defendants, stated he was clerk to the committee of the Common Council of Liverpool; that he had nothing at all to do with the receipt of town or dock dues, or anything of that kind; that not all the ships that frequent the porte of Liverpool are unladen in the docks; that vessels sometimes were unladen in the open river; that from the nature of the shore in other parts than the docks, some vessels could unload upon other parts of the shore; that they could unload to the north of the Clarence Dock, and they could do so to the north side of the Clarence Dock, that they have always been able to unload there, that he had been in the habit of occasionally seeing barges of limestone and coals unload there; that those vessels were discharging for trade, or for the use of the docks, but that he seldom was there, and knew nothing for certain about it; that he had seen other vessels unload other things besides stones and other materials for the docks; vessels laden with Welsh slates, of from 70 to 80 tons; that they unload slate, stone, and coals; he had seen them throw stones overboard; that the draught of water they draw would depend on the part they discharged upon; that it is dry at low-water; that the depth of the water was about 20 feet at spring tides; that vessels take out their goods upon the shore that is covered with water at high-tide; that the water does not cover the land over the spot where he had seen goods put 300 or 400 yards; that it is a shelving shore, it grows gradually deeper; that the high-water mark, when he had seen them landing goods, was 150 yards; certainly it might be 150 yards below high-water mark, but he could not say with certainty; but it was no part of his duty to interfere with the business of the docks.

That the said counsel for the said mayor, bailiffs, and burgesses, upon the trial of the said issue, produced and examined upon oath as a witness one John Ludlow, who stated that he was in the treasurer's office, at Liverpool; that the treasurer was not able to attend that day from some domestic trouble; that the said John Ludlow had been in the treasurer's office 17 years; that during the time he had been in the office the treasurers had been in the habit of keeping a book of receipts and disbursements; that since the time the said book had been regularly audited once a year; that he found books of a similar description of former treasurers; that the first receipt-book in the treasurer's office was in 1720, during the time of Mr. Trafford; that there was the account current book, there were no cash books extant of that day, they were supposed to have been destroyed in a fire which occurred in 1795, when the town-hall was burnt down; that a certain other book shown to the said witness on the said trial, was one of the books he found in the treasurer's office; that that was in Mr. Trafford's time; that the first entry in that book was in 1720 and 1721; that they went down from October of the one year, to October of the following year; that he found between October 1720 and 1721, the receipts of the customs; that the said receipts were each of them signed, and that said book was audited from time to time; that there was no signature of Mr. Trafford's attached to it, but that it appeared to have been kept in Mr. Trafford's office, and to have been produced by him before the auditors; that the auditors generally were members of the common council; that they had always been members of the common council during his time; that in each year in that book the auditors' names were signed. And the said John Ludlow produced many other books of a similar description which were kept in the treasurer's office by the several persons who had successfully filled the office of treasurer, and stated that they were brought from the treasurer's office; that the treasurer is usually a common councilman; that the treasurers still continued to keep similar books, which had always, down to the present time, been audited and allowed in the same manner.

And the said counsel for the said mayor, bailiffs, and burgesses, in order to prove the receipt of the treasurer of the said corporation of certain sums for and on account of town's

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customs, then offered to give in evidence on the said trial, the said treasurer's books of receipts and disbursements so produced from the office of the said treasurer as aforesaid, and to read therefrom certain entries purporting to be entries of the receipt at various times of certain town's customs, by or on behalf of the said treasurer, but which entries were not signed by the said treasurer; whereupon, counsel for the said defendants objected to the receipt of the said entries, and insisted that the same were not by law admissible in evidence on the said trial for the purpose aforesaid, and further, that the same could not be lawfully read as evidence on the said issue without further proof that the said treasurer had adopted the balances of the accounts contained in the said entries from time to time therein respectively carried forward, or had in some other manner signified his assent to the receipt of the said town's customs in his behalf; nevertheless, the said Chief Justice then admitted the said entries as evidence, and allowed the same to be read; whereupon, the said counsel for the said defendants then and there excepted thereto, and the same were read to the jurors on the said trial for the purpose aforesaid.

And the said John Ludlow also produced from the treasurer's office several other books marked respectively with the letters A, B, C, D, E, F, G, H, I, J, K, L, M, N.

And the said counsel for the said mayor, bailiffs, and burgesses, on the said trial, produced and examined upon oath, as a witness, one Richard Brooks, who stated that he had known Mr. Lawrence Spencer, the town dues collector; that he was clerk to him as an officer of the customs, and the said Lawrance Spencer was collector of the town's duties in 1776, and so continued until his death in 1779; that the said Richard Brooks was clerk to Mr. Hamer also, who was principal officer of the customs, as well as a receiver of the towne's dues; that he had seen him collect the town's customs very often in the course of a day; that they were paid to him at his official desk as officer of the customs; that they were paid when the parties came to enter the ship; when the goods were exported or carried coastways, they passed through his hands; he received the town's dues before he passed them officially, that the town's customs were paid when the persons came to clear out the ships; that Spencer made an entry at the time of receiving the money; he made the entries in certain books, then produced to the witness, that he, the said Richard Brooks, was well acquainted with the handwriting of Lawrence Spencer and Henry Hamer; that the books marked A, B, C, D, were in the handwriting of Lawrence Spencer, and were kept by him as town's customer, and that the books marked E, F, G, H, I, K, L, and part of which were in the handwriting of Henry Hamer, and were kept by him as town's customer; that the entries therein were of the sums received by them for town's customs from merchants importing and exporting goods, made at the time when the same were received, and that the said Richard Brooks remembered the persons therein mentioned as paying such customs to have been merchants importing and exporting goods; that Mr. Hamer succeeded Mr. Spencer in the office, and he also held the same office in His Majesty's Customs, and that the said Richard Brooke continued his clerke, and sat in the same office with him; that the said Mr. Hamer was in the habit of receiving the town's customs of exported and imported goods in the same manner as Spencer did, and they were paid to him at the same time with the entry at the Custom-house, and that he made the entries in the said books so produced as last aforesaid; that the whole of the entries in those books were in the handwriting of the town's customer, by whom they were kept, with the exception of certain signatures of the treasurer's acknowledging a settlement of the ground with the customs at certain periods, and the sums so acknowledged to have been settled corresponded with the entries in the treasurer's books, to the credit of the said plaintiffs; that a person of the name of Clements came after Hamer, after some months had elapsed; that he did not hold the same office in the customs; that Clements was appointed receiver of the town duties, but he was not an officer of the customs; that the said Richard Brooks was not his clerk, but the son received the appointment of officer of the customs, and the said Richard Brooks was his clerk; that the said Richard Brooks had been in the town of Liverpool 57 years, that he sat in the same office as young Clements, and the old gentleman, as soon as his son was appointed customer, came and took a seat in the same office for a month or two; previous to the appointment of the young man he sat in another office for a month or two, or from January to the latter end of February; that either he or his son, at the time his son passed the entries officially as belonging to the customs, he or his father received the town's customs; that he received them on goods inwards and outwards, or coastways, whether imported or exported, or carried or brought coastways; that Clements also kept the book of the receipts at that time, during Mr. Hamer's last illness, Richard Lowndes, the principal clerk in the deputy customs' office used to receive the town's customs, and on Mr. Hamer's death, and before his successor was appointed, the witness received them for a few days. That during all the time the said Richard Brooks had held office in the Custom-house the town's customs were never collected any where else than at the Custom-house; there was a brass table that was hung up in the receiver's office, at his left hand, by which he received the town dues.

And the said counsel for the said mayor, bailiffs, and burgesses, then produced to the said jurors, on the said trial, a certain brass table or plate, on which there was entered, or contained, as follows:

Liverpool Town Duties.

			Inwards.	Outwards.
			s. *d.*	*s.* *d.*
A.	Ashes of fern	*the* 100 *bushels*	1 4	– 8
	Alabaster	*the ton*	– 2	– 2
B.	Butter	*the ton*	1 –	– 6
	Bacon	*the ton*	1 –	– 6
	Bottled beer	*a tierce*	– 3	– 1½
	Ditto on ale	*a barrel*	– 2	– 1
	Brimstone	*a hhd.*	– 4	– 2
	Bricks	*a thousand*	– – –	– 1
	Corn, of all sorts	*the* 100 *bushels*	1 4	– 8
	Clay for pipes or potters	*a ton*	– 3	– 3
	Calamine	*a ton*	– 3	– 3
	Cheese	*a ton*	– 6	– 6
	Currants	*a butt*	– 8	– 4
	Cotton	*a bag*	– 2	– 1
	Corke wood	*a ton*	1 –	– 6
	Coals	–	– 2	– 2
	Cow hides	*each*	– 1	– –½
	Cow shanks	1,000	– 2	– 1
	Cow horns	100	– 1	– –½
	A case of dry goods	–	– 4	– 2
	A chest of ditto	–	– 4	2
	A box of ditto	–	– 2	– 1
	A candle box	–	– 1	– –½
D.	Deals	100	1 –	– 6
	Dying woods of every kind	*a ton*	– 6	– 3
	Deer skins	100 *loose*	– 3	– 1½
	Ditto - dressed	*a hhd.*	– 4	– 2
E.	Elephant teeth	*a ton*	1 –	– 6
	Earthenware	*a crate*	– – –	– 2
	Ditto loose	*a cartload*	– – –	– 4
	Ebony	*a ton*	6 –	– 3
F.	Feathers	*a bed or bag*	– 3	—
	Fish, salted or stock-fish	–	1 –	– 6
G.	Groceries	*a hhd., coastwise*	– 2	– 2
	Ditto	*a firkin*	– –½	– –½
	Ginger	*a bag*	– 1	– –½
	Gum seneca	*a ton*	1 –	– 6
	Glass bottles	100 *dozen*	1 –	– 6
H.	Hemp and flax	*a ton*	1 –	– 6
	Hops	*a packet*	– 2	– 2
	Herrings	*a barrel*	– 1	– 1
	Hides, tanned	*a bundle*	– – –	– 1
I.	Iron, in bars	*a ton*	1 –	– 6
	Ditto, in pigs	*a ton*	– 6	– 3
	Iron ore	*a ton*	– 3	– 3
K.	Kelp	*a ton*	– 6	– 3
L.	Linens of all sorts	*a pack*	– 4	– 2
	Ditto	*a box or bundle*	– 2	– 1
	Lead, lead ore, or copper ore	*a ton*	– 6	– 6
	Lemons, a chest	*a chest*	– 2	– 1
	Lignumvitæ	*a ton*	– 6	– 3
	Lathwood	*a fathom*	– 2	– 1
M.	Mahogany	*a ton*	– 6	– 6
	Masts	*large*	– 3	—
	Ditto	*middle*	– 2	—
	Ditto	*small*	– 1	—
	Molasses	*a hhd.*	– 2	– 2
	Meal, of oats, &c.	*a ton*	– 6	– 6

(*continued*)

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		Inwards.	Outwards.
		s. *d.*	*s.* *d.*
N. Nuts	*a barrel*	– 2	– 1
Ditto	*a bag*	– 1	– 1
O. Oak bark	*a ton*	– 6	– 6
Ditto, timber	*a ton*	– 6	– 6
Ditto, plank	100	—	—
Olive oil	*a butt*	– 8	– 4
Oil of fish, or train oil	*a hhd.*	– 2	– 2
P. Potatoes	100 *bushels*	1 –	1 –
Paste board	*a bundle*	– 1	– –½
Paper	*a pack*	– 2	– 2
Perry or cider	*a hhd.*	– 2	– 2
Pots, iron	*a ton*	– 6	– 3
Gun Powder	*a barrel*	– 1	– –½
R. Rum, brandy, or any foreign spirits	*a puncheon*	– 8	– 4
Ditto	*a hhd.*	– 6	– 3
Rice	*a barrel*	– 2	– 1
S. Sugar	*a hhd.*	– 4	– 2
Ditto	*a tierce*	– 3	– 1½
Ditto	*a barrel*	– 2	– 1
Salt, white	100 *bushels*	– – –	2 –
Ditto, going coastwise	100 „	– – –	1 –
Salt, rock	100 „	– – –	1 4
Ditto, coastwise	100 „	– – –	– 8
Slates, 1,000	1,000	– 1	—
Staves	1,000	– 6	– 3
Seeds for gardens	*a sack*	– 1	– –½
Soap	*a box*	– 1	– –½
Starch	*a chest*	– 2	– 2
Spirits, drawn from corn	*a puncheon*	– 2	– 2
T. Tobacco	*a hhd.*	– 4	– 2
Tallow	*the cwt.*	– 3	– 1½
Tar and pitch	*a barrel*	– 2	– 1
Turpentine	*ditto*	– 2	– 1
Timber, firr	*a load*	– 6	– 3
W. Wine	*a pipe*	1 –	– 6
Ditto	*a hhd.*	– 6	– 3
Ditto, coastwise	*a pipe*	– 6	– 6
Wool, from Ireland	*a bag*	– 4½	—
Window glass	*a side*	– 1	– 1
Wainscoat boards	100	– 5	– 3
Water, Pymont or Bristol	*a hamper*	– 1	– –½
Y. Yarn	*a truss*	– 6	– 3
Ditto	*a pack*	– 4	– 2
Ditto, Bay	*ditto*	– 4	– 2
Ditto, foreign	*a fatt*	– 8	– 4

And the said Richard Brooks being cross-examined, stated that the said table so produced, was the table that hung up in the receiver's office at the Custom-house, by which he received the town's dues; that he recollected it since the 6th of April 1776, to his certain knowledge for many years; that he went first there in 1776, and the plate was hanging up then; that afterwards he removed from the customer's office where the receipt was usually, to an office where he could have but general observation of the payments; from about 16 months after Mr. Clements was appointed, he knew less of them.

That Clements was appointed in 1797; that during the time they were received, persons paid those duties as they entered in and out during that period; that he had himself occasionally received those customs, but not for any length of time together; when they have gone to the customer's desk to pass them officially, he sometimes received the town's duties, and when Richard Lowndes was canvassing to succeed Richard Hamer, he received them himself; that the porte of Liverpool extends from the place called Redstones, near the mouth of the River Dee, to the River Douglas in the River Ribble, and all along the shore of Lancaster and Cheshire, within those points in the navigable waters; that the River Douglas falls into the River Ribble at a considerable height; the officers of the customs exercise jurisdiction to that point; that they exercise jurisdiction of the river as far as goods can go to Warrington Bridge, or further, if goods go there to be landed that are not previously landed in Liverpool; that he very well recollected Mr. Crosbie holding the

the office of collector of the town's customs; that he died about the year 1821; the trade of Liverpool was very much increased since the said Richard Brooks was first in the Custom House. Had in Court some extracts of the annual accounts current of the King's customs and remittances; the accounts current of the receipts and remittances of the King's duties; that by remittance was meant to the Receiver-general, or to the Exchequer, in other words; that in the first year he had them was in 1733; he could find no books of an older date; the net amount of the remittance there was 35,146*l.* 14*s.* 6*d.* The next period he had down was 1750, in which year the net remittance was 58,907*l.* 5*s.* 3*d.* The next year was 1754; it was 49,096*l.* 1*s.* 8*d.*; these were at a period of five, or six, or ten years, as they occurred. The next amount was in 1760; it was 84,400*l.* 8*s.* 10*d.* The next period was 1765, 70,346*l.* 2*s.* 11*d.*; the next was 1770, 72,912*l.* 14*s.* 11*d.* In 1775, 96,159*l.* 3*s.* 6*d.* The remittance in 1780 amounted to 108,708*l.* 4*s.* 2*d.*; in 1785 it was 264,771*l.* 5*s* 8*d.* The year 1790 he could not find. In the year 1795 it was 250,462*l.* 16*s.* 1*d.* There was rather a decrease then, but that might be owing probably to the bonded system coming into practice; the war would have an effect upon them. In 1800 it was 1,801,750*l.*; in 1805, 1,468,063*l.* 7*s.* 9*d.*; in 1802 it was 2,373,811*l.* 10*s.* 9*d.*; in 1816 it was 2,446,440*l.* 10*s.* 4*d.* There were then certain duties upon tobacco and coffee, and other articles transferred to the Excise, so that after 1819 the remittances were not made from the Custom House in Liverpool. In 1820 it was 1,269,115*l.* 1*s.* 10*d.*; this was after the transfer of the duties upon tobacco and coffee to the Excise in 1819; in 1819 the whole were transferred. In 1824 the remittances were 1,961,500*l.* 2*s.* 10*d.*; in 1826 they were 2,896,535*l.* 12*s.* 11*d.*; in 1827, they were 3,113,384*l.* 12*s.* 3*d.*; in 1828 they were 2,973,466*l.* 18*s.* 1*d.*; in 1829, 3,123,178*l.* 8*s.* 7*d.*; in 1830, 3,333,473*l.* 19*s.* 6*d.*; in 1831, 3,381,594*l.* 15*s.* 2*d.*; in 1832, 3,741,832*l.* That he first became a clerk in the office of the Collector of Customs in 1776; that Mr. Spencer was collector at that time.

That at that time the town dues were collected at the Custom House by the officer who was also receiver of the town's dues, and that continued till Spencer was succeeded by another gentleman; that Mr. Hamer succeeded him.

That these were paid to one person, and when he made his entries for clearing out, he made his claim for the town dues; that was until the time of Alderman Clements. He was in the office two months before his son was appointed. He came to his son's office there, and then they were again collected in the usual manner by himself; came and collected the town dues there; he himself was not an officer in the Customs. That he remembered a short time before Mr. Hamer was dead (perhaps two or three years before) certain persons claimed an exemption; that the receiver was the officer of the Customs, and he never passed the Custom House entries till he had received the town's dues.

That Mr. Hamer certainly objected to pass those entries till they had passed the town's dues; that for several years the said Richard Brooks took care that all documents were marked by the receiver of the town's dues before they were passed officially at the Custom House; that if they came to him unmarked, he sent them back; that after Mr. Clements was no longer customer, all the documents before spoken of passed through the hands of the said Richard Brooks, till the 5th of January 1793; that is, from the 23d of November 1778 till January 1793 such documents passed through the hands of the said Richard Brooks, as clerk of the Customs; that he had nothing to do with the Corporation or the town dues at all; that the charges of these dues were made according to the said brass table, from 1776 down to the present time; that of his own knowledge the said brass table hung in 1776 in the Town-office, or in the Receiver of the Customs'-office. It was on the left hand side of the receiver, close to his hand. In 1776 it was there, and continued there for several years during Mr. Spencer's collection, and during the collection of Hamer and the said Richard Brooks; had seen it afterwards, but could not say how long it continued afterwards, but that he could not undertake to say it was there till the appointment of old Alderman Clements; that was in 1787; that he could positively speak to the commencement of 1788. It came back when old Alderman Clements removed to his son's office, and the said Richard Brooks lost sight of it when he went into the adjoining office, 18 months afterwards; he carried it to 1787; certainly he had seen it since, but cannot say how long. There might be goods not named in that table; it did not contain an account of every article that is imported, nor any account of tonnage; that it was acted upon as far as it went. Undoubtedly there were many articles of importation not specifically mentioned; that when there were any articles not mentioned in that table, he would take an assimilated rate according to the package, as might or could be ascertained, or at a rate corresponding with something in the table; that where an article was not specified in the table, the receiver then exercised his own judgment as to what he charged, with the consent of the persons paying; that whether they consented or not, he would have objected to allow any article to be cleared outward or inward till the dues were paid; that immediately he might have allowed them to pass, so as not to detain the goods, but he would have objected to it; that he did not remember any instance where ultimately he did allow it where objections were made; that he was waited upon by Mr. Bolton, when acting as collector, in the absence of the collector of the Customs; he waited upon said Richard Brooks to say he should object to the payment, and that he would require the collector to pass his goods without receiving the town dues. That the said Richard Brooks allowed them to pass; he gave directions that his goods should not be detained; that he consulted with the comptroller before he allowed them to pass. That it was hardly possible that merchandize should come in a totally different package from those specified in this list; it did not appear that

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that was possible. That he received the town dues in his own person only for three days. That previous to May 1789 he was present constantly when they were paid upon these charges being made. That a rule in making these charges was made upon a comparison of some package of some other similar article or package that was already rated; the package or kind of goods, or something of a similar article of value, was adopted to fix the rate, having reference to value, probably to weight, and probably to the same description of goods; this was managed by the collector and the payer; that the person paying the amount claimed coincided.

And the said Richard Brooks being again cross-examined by the said counsel for the said defendants, stated that he did not remember any charge to increase bricks charged there 1 *d.* per 1,000 to 4 *d.*

That Mr. Corrie was the then present collector. It was in 1821 he was appointed, immediately after Alderman Clements died. That within the time the said Richard Brooks recollected, the ships were unloaded principally in the docks. They unload besides at the sea wall, adjoining the docks, forming in fact a part of them; it goes into the strand, so as to make the docks; that he had known ships discharged at the sea-wall, so as to be an outer boundary. There were at the dock office regular dock dues and dock charges for goods unloaded in the docks; that was a different department; that there were several docks still building; there were seven or eight; that they can scarcely keep pace with the increase of commerce; that creates increased dockage; that when he spoke of limits of the port, he spoke of them as in practice, as an officer of the Customs; that he had jurisdiction over all goods on both sides, to a considerable extent, principally upon the Ribble and the Mersey, near the Red Noses, near the River Dee, the shores on the north side up to the mouth of the River Douglass. That from Liverpool to Warrington Bridge, by the sinuosity of the river, he thought it must be 25 miles; that it was by Runcorn miles; that from Liverpool to the turnpike road to the Douglass navigation would be 25 miles; that it would be considerably more to go round by the water side; upon that shore it is 10 miles more; that the Red Noses is from Liverpool, by water, from 13 to 15 miles, or something of that kind; that all goods coming anywhere within those limits must be charged with the Liverpool custom. That the instance of objection before-mentioned was occasioned by a London freeman, resident in Liverpool, who claimed to be exempt. It was at the latter part of Mr. Hamer's collectorship; he died in September 1787, and perhaps it was continued afterwards; but it commenced during his collection; that the said Richard Brooks was called upon by the receiver to be a witness to the refusal at that time; that that refusal was made by several of the London freemen, particularly by Peter Freeland, who stood prominent; that there was a trial upon that occasion as to the right.

That after that trial the London freemen then resident in Liverpool paid the dues as before; that they all paid that were able to pay; that he did not hear after that trial any refusal to pay those dues till the present action; that till the present time he never heard any one refusing to pay; that he saw Mr. Bolton, the present defendant, 18 months ago, and he told him he meant to refuse to pay; that the said Richard Brooks then consulted the comptroller upon the subject, and his goods were allowed to pass the customer without payment of town dues; and that this action was brought, and had been pending for some time.

And the said John Ludlow, being again examined on the said trial, stated that the corporation owned very considerable estates in Liverpool; that they were not the ground-landlords of most of the streets that have been opened, widened, and improved; that they purchased property to widen the streets, but that they did not own any property there, except to a trifling extent, in opening Lord-street; they had very little property there. That their property was almost in all parts of the town; that they had no property of any extent very near Lord-street; that that was a leading street in Liverpool; that on one side it was widened, and that that was then finished, but there were some buildings going on then. That he had taken out the annual expenditure of each year since 1823; that he had extracted the annual amount of expenditure, and added them together under each head. That the said corporation had a lawsuit as to the River Mersey and Irwell; that there was a large expenditure in that litigation. That the said corporation had borrowed very large sums of money to make improvements; that, since the year 1820, they had borrowed 450,000 *l.*, and that they owed money before; their bonded debt was as nearly as possible amounting to 800,000 *l.*, or within a few thousand; that the treasurer pays the interest. That the amount of their income, independently of the said tolls, was probably 40,000 *l.*; that it fluctuated much. That they were ground landlords of a considerable proportion of the estates.

And the said counsel for the said mayor, bailiffs, and burgesses then produced on the said trial and examined on oath as a witness one John Gladstone, who stated that he was not a member of the corporation of Liverpool; that he had been resident in Liverpool about 45 years as a merchant there; that he had carried on trade occasionally to a considerable extent; that he had imported goods from most parts of the world, and had also exported; that ever since he had known the town of Liverpool he had known of the payment of these town's dues; that on his own account, when he was a non-freeman, he paid them, not to a large amount, but they amounted to something; that for those whose goods he had received, who were not freemen, he had paid them in the same manner that the other merchants in Liverpool had done; that during the lawsuit between the corporation of Liverpool and that of London, he himself refused to pay as a freeman of London; that, after the trial was over, he paid the arrears; that from that time to the present, till this dispute, he knew of no objection made to the said town's dues, but from the

the public rumour and report that certain gentlemen were resisting the payment of the town's duties; that, with reference to the value of goods imported and the amount of the duty imposed, he conceived the town's duties upon imported and exported goods not to be any burden upon the trade of Liverpool; that were the parties necessarily to avail themselves of the power they possess, the facility of despatching for loading and unloading ships at Liverpool is exceedingly great, and that he was not aware that it was equalled in any other port of the kingdom. That whilst doing business for himself, he was not aware of any alteration made in any of the rates of those dues except upon two articles, and that in a particular branch of it, the Russian trade; the duty upon tallow was higher at that period than at the present time. That he understood that the corporation consented to diminish that duty upon the application of the merchants, but that he was not one of the parties applying. That he did not know of his own knowledge of a reduction upon tallow; that he had not paid the duty since it was reduced. That in regard to all the articles he paid upon, the duties had remained the same for anything he knew to the contrary; that he was not in the habit of paying them in his own person, but by his clerks. These dues amount to a considerable sum in the year to some of the more considerable merchants, particularly in certain branches of trade. That the commercial business of Liverpool is now conducted by vessels that unload in the docks provided; where despatch is not called for, they are discharged in the river, which is done with craft. That he had known the docks so full that they must discharge in the river; not within his experience for some years that those vessels that are discharged in the river discharge only a part of their cargoes in the river, because if they were discharged wholly, they would need to take in their cargoes in ballast in lieu of it; but that was not a practicable measure. That vessels went up the river, and unloaded at Runcorn. That coasting vessels discharged immediately at the docks on the open beach. That that was a moderately shelving shore; it did not deepen rapidly; and that vessels took out their limestone there, and discharged it at some distance, whilst the tide was gone down; that during the ebb tide the carts came down and loaded what they could carry away conveniently; the rest they threw overboard, and they were taken away at their convenience; the carts came and took it away when convenient. That he was not aware of any other sort of cargo but limestone as to which they did so. That the town duty upon ship-borne salt was 2 *s.* per 100 bushels; that it did not amount to 10 per cent. upon the value; the present value of common salt was 10 *s.* or 11 *s.* a ton; that he had not been in the habit of shipping much salt, but thought it was 6 or 7 per cent. upon the then present price; that salt had been lately very low; upon 100 bushels, or two tons and a half, as low as 9 *s.* 6 *d.* per ton; that he knew of no rule by which the said dues were charged but the printed tables, which were generally in possession of those who paid them. That he knew, and had also imported munjeet in considerable quantities; that it came loose in bags, or in bundles, the bag not being covered. That the members of the corporation thought that he had upon several occasions rendered such important services, that they presented him with his freedom. That at present there was a larger proportion of merchants who were members of the corporation, who did not pay those dues, than was formerly the case. It was rather considered a grievance that so small a portion of the merchants were of the corporation, and that the interest was not in those who were likely to profit by it. That they must be freemen, or they cannot be members of the corporation; that he was not aware that there was any instance of the purchase of the freedom of the corporation; that he had no remembrance of any instance of freedom by purchase. That the charge upon corn was 1 *s.* 4 *d.* upon 100 bushels, and upon all corn of other descriptions in the same proportion. That he was a considerable exporter of bricks to the West Indies, but being a freeman he did not pay the duty upon them; that fire-brick is considerably more valuable than common brick, and that the value of munjeet was 30 *s.* per cwt.; that it had fallen from 70 *s.* or 80 *s.* to 20 *s.*; that he thought it was 25 *s.* or 30 *s.* now; that the bundles were small; that they are tied up as is convenient for the stowage of the ship, as they are articles that pay a trifling freight, and they are put up where other things cannot go, in order to suit the convenience of stowage, and vary in their size. That the difference between fire-bricks and common bricks was considerable, to the best of his recollection three-fold; the one is three times the value of the other. And the said mayor, bailiffs, and burgesses then produced and gave in evidence on the said trial a certain bill, filed in the Court of Exchequer on the 11th day of May in the 31st year of the reign of his late Majesty King George the Third, wherein the said mayor, bailiffs, and commonalty and citizens of the city of London, and Peter Frieland, George Brown, and Thomas Ryan, John Baker, Richard Samuel Baker, Thomas Watt, Thomas Hall Higginson, Stephen Backhouse, Thomas Dawson, Thomas Weston, and James Sutton, freemen and citizens of the said city, were complainants, and the said mayor, bailiffs, and burgesses were defendants; which bill stated, amongst other things, that the plaintiffs, the mayor or commonalty and citizens, had of right a certain ancient liberty, privilege, or immunity, that is to say, that the freemen and citizens of the said city, and all their goods, should be quit and free of and from all toll, passage, and lastage, and other customs throughout the whole kingdom of England, and the ports of the Lord the King (except only his due and ancient custom and prizes of wines); and that they had enjoyed, and ought to enjoy, the same, and that they therefore hoped that they should not have been disturbed in the enjoyment of their said liberty, privilege, or immunity; and that the said mayor, bailiffs, and burgesses of the town of Liverpool would not have demanded any toll or duty from any citizen or citizens of London of or for any goods, wares, or merchandize exported from or imported into the said port of Liverpool,

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but that the said mayor, bailiffs, and burgesses had not only disputed the said liberty, privilege, or immunity of the said plaintiffs, but had commenced separate actions at law in his Majesty's Court of King's Bench at Westminster against the plaintiffs, Peter Frieland, George Brown, Thomas Ryan, John Baker, Richard Samuel Baker, Thomas Watt, Thomas Hall Higginson, Stephen Backhouse, Thomas Dawson, Thomas Weston, and John Sutton respectively, all of whom were freemen and citizens of the said city of London, and had declared in such actions respectively for the amount of some tolls or duties of divers goods, wares, and merchandizes by the said last-named plaintiffs respectively exported from and imported into the said port of Liverpool; that the said bill prayed, amongst other things, that the said right, privilege, or immunity of the said plaintiffs, the mayor, commonalty, and citizens of the city of London and of the freemen and citizens of the said city, that the freemen and citizens of the said city should be quit, free, and exempt from all tolls, customs, or duties within the said port or haven of Liverpool in respect of any other goods or commodities by them exported from or imported into the said port or haven, as well as the commodity of cheese therein mentioned, might be declared and fully established against the defendants therein; and that a perpetual injunction might be awarded to restrain the said defendants and their successors, their agents, and officers for the time being, from receiving or demanding any toll, custom, or duty of or from any freemen or citizens, or freeman or citizen of the said city of London, for or in respect of any goods, wares, or merchandizes by them exported from or imported into the said port or haven, or reputed port or haven of Liverpool. But in case it should appear to be necessary or proper that any further trial than that therein mentioned as to the commodity of cheese should be had in order to ascertain such general right or immunity of the plaintiffs, the mayor, commonalty, and citizens of the city of London, and the freemen and citizens of the said city, then that such proper issue or issues at law might be directed as might be competent to try the said question of right between the said plaintiffs and the said defendants, so that the freemen and citizens of the said city of London might, for the time to come, be quieted in the enjoyment of said right or immunity, and the said defendants therein might be perpetually restrained from disturbing or interrupting the same; and that in the meantime the said defendants might be restrained by the injunction of the said Court from proceeding in the said actions at law commenced by them against the plaintiffs, Peter Freeland, George Brown, Thomas Ryan, John Peter, Richard Samuel Baker, Thomas Watt, Thomas Hall Higginson, Stephen Backhouse, Thomas Dawson, Thomas Weston, and James Sutton respectively, and from all further proceedings at law against the plaintiffs, or any of them, or any freemen or citizens of London, in respect of the matters therein aforesaid. And the said mayor, bailiffs, and burgesses produced and gave in evidence the further proceedings in the said suit, and that the same being at issue came on for hearing on the 31st day of January 1798, when, by the order or decree made on such hearing, it was ordered by the Court, by consent of the parties, that it should be and it was thereby referred to a trial at law on the following issues (to wit): First. "Whether a person being free of the city of London, but not an inhabitant of and householder and resiant within the said city of London, be a freeman and citizen of the said city of London, entitled to the said liberty, privilege, or immunity of being himself and all his goods quit and free of and from all toll, passage, and lastage and other customs throughout the whole of the kingdom of England and the ports of our Lord the King, except as to his Majesty's due and ancient custom and prizes of wines." Secondly. "Whether a person being free of the said city of London, but not an inhabitant of and resiant within the said city of London, be a freeman and citizen of the said city of London, entitled to the said liberty, privilege, or immunity of being himself and all his goods quit and free of and from all toll, passage, and lastage, and other customs throughout the whole of the kingdom of England and the ports of our said Lord the King, except as to his Majesty's due and ancient custom and prizes of wines." Thirdly. "Whether a person being free of the said city of London, but not an householder within the said city of London, be a freeman and citizen of the said city of London, entitled to the said liberty, privilege, or immunity of being himself and all his goods quit and free of and from all toll, passage, and lastage and other customs throughout the whole of the kingdom of England and the ports of our said Lord the King, except as to His Majesty's due and ancient custom and prizes of wines." In which issues the complainants, the mayor and commonalty and citizens of the city of London, were to be the plaintiffs, and the mayor, bailiffs, and burgesses of the town of Liverpool were to be the defendants, and which issues were to be tried in a feigned action, to be for that purpose brought in the Office of Pleas of the said court by the said plaintiffs, the mayor and commonalty and citizens of the city of London, against the said defendants, the mayor, bailiffs, and burgesses of the town of Liverpool, and to be tried at the bar of the said court by a special jury of the county of Hertford, for which purposes the usual directions were given. And the said cause was to be put into the paper of causes to be further heard on the return of the postea after the said trial, until which time the consideration of costs and all other directions were thereby reserved.

And the counsel for the said mayor, bailiffs, and burgesses produced and gave in evidence on the said trial an examined copy of the judgment in the said last-mentioned action in Hilary Term in the 39th year of the reign of his late Majesty King George the Third, wherein the said mayor, commonalty, and citizens of the city of London were the plaintiffs, and the said mayor, bailiffs, and burgesses were the defendants, in which the verdict was given and the judgment thereon entered for the said mayor, bailiffs, and burgesses, by which verdict the jurors found, as to the first issue, that a person being free of the city of London, but not an inhabitant of, and householder, and resiant within the city of London,

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was not a freeman and citizen of the said city of London entitled to the liberty, privilege, or immunity of being himself and all his goods quit and free of and from all toll, passage, and lastage, and other customs throughout the whole of the kingdom of England and the ports of our said Lord the King, except as to his Majesty's due and ancient custom and prizes of wines; and as to the second issue, the said jurors found that a person being free of the said city of London, but not an inhabitant of and resiant within the said city of London, is not a freeman and citizen of the said city of London entitled to the said liberty, privilege, or immunity of being himself and all his goods quit and free of and from toll, passage, and lastage, and other customs throughout the whole of the kingdom of England, and the ports of our said Lord the King, except as to his Majesty's due and ancient custom and prizes of wines.

And as to the last issue, the said jurors found that a person being free of the said city of London, but not an householder within the said city of London, was not a freeman and citizen of the said city of London entitled to the said liberty, privilege, or immunity of being himself and all his goods quit and free of and from all toll, passage, and lastage, and other customs throughout the whole of the kingdom of England, and the ports of our said Lord the King, except as to his Majesty's due and ancient custom and prizes of wines.

And the said counsel for the said mayor, bailiffs, and burgesses produced and also gave in evidence on the said trial the decree or order by the said Court of Exchequer, made in the said last-mentioned suit, bearing date the 28th of June 1799, whereby it was ordered that the said postea should be and the same was thereby confirmed; and it was further ordered that the said plaintiffs' bill should be dismissed out of the said court.

And on the trial of the said issue, one Garstang Bradstock was produced and examined upon oath as a witness by the counsel for the said mayor, bailiffs, and burgesses, and stated that he was in his 83d year; that he was formerly in business in Liverpool; that he had retired from business some time; that he very well recollected Mr. John Colquitt being the collector of the customs of the port of Liverpool; that the first of his recollection of his being there was in the year 1763; that Mr. Atkinson was clerk to Mr. Colquitt, the collector of the King's customs; that the said Garstang Bradstock wrote for Mr. Atkinson; that Mr. Lawrence Spencer was receiver of the town dues at that time, and the deputy customer of the King's customs, at the same time he received the town dues; that he had an office in the custom-house opposite to the collector; that it was a room; that there was a table of town dues hung at his elbow for general inspection; that he always understood that that was the table by which the amount of dues was collected. That the said Garstang Bradstock continued there five years; that the said Mr. Spencer, collector, was a receiver for the customs at that time; that he acted in both capacities; he also acted as deputy and receiver of the town dues; that the said Garstang Bradstock never remembered any circumstance of doubt with respect to the town's customs, as to what was to be paid, nor ever remembered any dispute; that he always understood that the said Mr. Spencer referred, when he charged the customs, to the table close to his elbow, but it was always at his elbow. That the said Garstang Bradstock was once clerk to Venables, Dixon, & Staff, wine merchants, in Liverpool; that he was with them about five years; that they were merchants in the town of Liverpool; that they dealt with Jamaica, as well as being importers of wine; that the said Garstang Bradstock during the time he was with them always transacted the custom-house business for them; that they were importers of wine; that the said Garstang Bradstock thought the duty he used to pay for wine imported was a shilling a pipe; that it was one-half outwards; that they also imported sugar from Jamaica. That, to the best of the said Garstang Bradstock's recollection, there was paid on sugar imported 6 *d.* a hogshead, 3 *d.* a tierce, and 2 *d.* a barrel; that the proportion between what was paid for what was imported and goods exported was generally half as much for the export. That the said Garstang Bradstock was afterwards clerk to Mr. John Backhouse; that he was a very large Virginia merchant; he had three vessels in that trade; that he imported about 1,400 hogsheads of tobacco in a year. That Mr. Backhouse did a good deal of custom-house business himself, and the said Garstang Bradstock did not do so much for him as for Venables & Dixon; that the said Garstang Bradstock had the means of knowing what was paid for a hogshead; that it appeared from the book in the counting-house, as soon as the entry was passed in the custom-house, it was entered in the book. That he always understood the freemen of London, and the inhabitants of London, and the inhabitants residing in Bristol, and the inhabitants of Wexford in Ireland, and Waterford in Ireland, and other places, were free of duty in Liverpool; that he believed it was generally understood; that the said Garstang Bradstock did not know of any change of the charges in the amount of duties; that the said Garstang Bradstock never knew of any refusal to pay the town dues, or of any dispute about them.

And upon the trial of the said issue, one Arnold Harrison was produced and examined upon oath as a witness for the said mayor, bailiffs, and burgesses, and stated that he was a partner in the house of Harrison & Latham, merchants, of Liverpool; that he had been 31 years; that during all that time the town dues had been paid upon articles imported and exported from the port of Liverpool or into the port of Liverpool. That the said Arnold Harrison knew of no exemptions as to any individuals; that the said Arnold Harrison was not a freeman of Liverpool; that none of the partners were freemen. That the house of the said Arnold Harrison were originally in the Portugal trade; but when the Royal family went to the Brazils, they went into the Brazil trade; that the town dues had been paid on all articles; that neither they or their correspondents abroad whom they consigned goods to, or other persons, ever complained of these dues. That with regard to the accommodation

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offered by the port of Liverpool, and the convenience to be met with there, they did not consider these dues at all troublesome; that some merchants pay less than many others; that those in the trade of the said Arnold Harrison bring back in produce about one-fifth only, consequently they are lost upon the other four-fifths; that the house of the said Arnold Harrison was principally commission merchants; that the business of Liverpool was then almost entirely carried on in the docks; that the facilities he spoke of were in the conduct of the business of the docks, loading and unloading; that that was conducted by a dock company; that what the said Arnold Harrison referred to were dock tolls; that the articles imported by the said Arnold Harrison were almost entirely cotton and hides, sugar and coffee. That the said Arnold Harrison believed that the payment made of the town dues for cotton was 2 *d.* a bag; that the usual weight of their bags of cotton was about 180 lbs.; that the weight of an American bag of cotton from North America was much more, almost double; that he believed it was the same toll on both, he could not speak to any difference; he believed there was no distinction. That he thought the hides were paid a penny a hide. That the docks had been built on money borrowed on the dock dues or tolls; that the town of Liverpool had been improved very much within the last 15 years; that baths and libraries were not the only improvements, a great widening of the streets had been done at an immense expense; that there was a very great convenience; that the expense of the substantial improvements of the town for the convenience of the merchants had been very great. And the said Garstang Bradstock, being recalled and further examined, stated that the table that Mr. Spencer had hung up at his elbow was a brass table; that he had no reason to think otherwise; he never examined it; that he thought it was a brass table; it would have been impossible to carry on the business of the office without it; that he thought it was the same table that appeared there afterwards; that it was hung up on the wall at Mr. Spencer's elbow; that Mr. Spencer stood here, and the table hung there; he stood at the desk.

That he remembered the building of the docks all but two, the Salthouse dock and George's dock, they were built before his remembrance; that ships are compelled to go in whether they like it or not; that he thought they did it for the convenience of the owners; that it is much more convenient, it is the readiest landing at the docks; that he always understood that every arrival paid the dues; that he did not remember whether the corporation built the first docks, there was the Old dock, the Salthouse dock, and George's dock he remembered being built, and all the rest of the docks; when he was in the custom-house he made out the invoice, and they never made it out without the dues being paid.

And upon the said trial one James Guiball was produced, and examined upon oath as a witness for the said mayor, bailiffs, and burgesses, and stated that he was then a clerk in the custom-house; that he was born in Liverpool; that he was never clerk to Mr. Clemens who was the town customer, but to his son, who was the customer of the customs. Thomas Crowder Clemens, the customer of the port of Liverpool, and son of James Clemens, the receiver of the town dues; that he was receiver of the town dues; that the said James Guiball occasionally received them on account of Mr. Clemens, by his request; that the said James Guiball went into the customs in 1788, and a few years after that, he undertook to assist; that the docks at that time built were the George's, the Old dock, the Duke's dock, as it was then called, that was done away with, later the Duke of Bridgwater's, was a private dock; the George's and Salthouse dock, he did not recollect of any other. That George's dock was built when he recollected it, and the Salthouse dock was built; that he remembered Thomas Rushburn, the clerk to Clemens, the receiver of customs; that the said Thomas Rushburn had been dead some years; that he had not been a public officer for many years; that the said James Guiball perfectly well remembered a brass plate that was put up; that it was put upon the left hand of Thomas C. Clemens on the wall; that there was also a book of rates kept in the office; that on the said trial a book was produced by the counsel for the said mayor, bailiffs, and burgesses, in which there was entered and contained a list of articles of merchandize, and the amount of the dues charged upon them when imported and exported.

And the said James Guiball stated, that the said book so produced was in his handwriting, copied from the old one that was previously there, entirely worn out with use; that the said book so produced was a book of rates, enacting the export of and import of goods so far as the brass plate went, but continued afterwards as various goods were imported which had not been imported at the time of the existence of that plate. That when the said James Guiball came there, Clemens had been there some time, and perhaps his predecessor had added to that plate; and that the said James Guiball found afterwards, when he came there, was very little added to it; therefore he copied them from this book, which was in existence; that the said James Guiball knew himself of additions made on new articles imported; that he recollected tanner's waste began to be imported from Ireland; then he understood that it was a new article of importation, as he was present with the importer and receiver, and the rate was fixed per ton; that that was sold by weight; that it was in bulk; they fixed the rate at 3*d.* per ton; that the first person who began to import that article was Francis O'Neall; that it was afterwards imported more largely to this day; that that payment was made afterwards; they never had a dispute about it at all. That in the table some articles were charged by the ton, and some by the package. That at that time cotton used to be imported in bags from Portugal; that it came from the Brazils to Portugal, and then to Liverpool; that there is another mode of importing cotton now, in what they call bales or bags, no other. The said James Guiball believed there was such a thing as a pocket formerly; it used to the said James Guiball had seen, that he remembered there was such a thing; that it was smaller than a bag;

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that a seron was smaller than a bag; that that would be less rated; that he thought a seron was 1½*d.* and a bag 2*d.*; that the said James Guiball did not remember the trial of that cause in the Court of Exchequer; that he remembered being in town with the late Harry Brown preparatory to it; that he only knew whether after that trial payments were made by the merchants who had suspended their payments from seeing it in the books, that was the only mode he remembered it; Mr. Crosbie, he believed, paid them. That the said James Guiball remembered an instance of a man refusing to pay the town dues on some cattle from Ireland; that was about the year 1794 or 1793; that the said James Guiball believed that the duty on cattle was 1*d.* a head, he thought it was not in the brass plate; hides were, but he thought not cattle; that there was 1*d.* per head, but it did not say whether it was alive or dead; that he remembered one of the cattle being distrained by the collector for the corporation, he was present and assisted in driving it into security; that the duty was immediately afterwards paid. It came to be paid by being distrained; one of the cattle out of 40 or 50; he came afterwards to pay it.

And the said counsel for the said mayor, bailiffs, and burgesses then and there produced and showed to the said James Guiball; stated that the prices which he said there were the prices paid on goods as long as he remembered; that he knew Frodsham; that it was to the south of the Mersey, near Warrington, and higher up than Runcorn; that he always understood that the port of Liverpool extended to Warrington Bridge; salt had been laden at Frodsham; he knew that that paid the dues. In 1795 or 1794, he went to Frodsham, being sent by Clemens to watch a vessel loading with salt that was expected to evade the town dues; that she paid them afterwards; that he had never seen any corn shipped at Frodsham; that there have been many articles imported since the time of the said James Guiball; since the opening of the India trade a quantity of saltpetre comes direct; that formerly it used to come from London; that the duty on it was one penny a bag; that he thought it was the same then; that he believed it was the same price; that he had not made the inquiry, but it paid that money at first since he remembered it; that he went to Frodsham at the period he mentioned, in 1794 or 1795; that he did not go to claim the King's customs, he merely went to watch the vessel; that he went as to the town dues, not for the customs; that this vessel was at a place called Frodsham; that he went by order of the master, Thomas Crowder Clemens, son of James Clemens; that he went by the orders of James; that he was not an officer of the Customs; that he was not James's clerk; that he was apprenticed to his son, Thomas Crowder Clemens; that Thomas Crowder Clemens received the town dues for his father; that the said James Guiball was not an officer of the Customs; Thomas Crowder Clemens was; Thomas Crowder Clemens received those dues for his father, and sent the said James Guiball on that business; that the said James Guiball was his apprentice to gain his freedom; that he was to learn the duties of the Customs; that he was with Clemens the younger; that he was apprenticed for the purpose of gaining his freedom, and learning his duty in the Customs; that there were several instances of people becoming apprentices to learn their duty in the Customs; that he was learning his duty in the Customs, in which he then was; that that was the object conjointly; that the instances he had known of persons being apprenticed to persons in the Custom-house were one in his own instance, and one who served his time to the said James Guiball, and who had been dead some years; that the said book of rates, so produced as last aforesaid, contained a great number of articles more than the table; a great many more than in the table, certainly; that the said James Guiball made out the said book himself, as far as it was copied from another; that that other book was either burnt or destroyed; that the said James Guiball was induced to say so because it was in a very ragged state; that he did not know who made out that; that he found it there when he was first employed; that he thought it was not as old as the table; that he had nothing to do with the said copy on the left-hand side; he had nothing to do with it; was not in his handwriting; that the handwriting he conceived to be Mr. Crosbie's; that a certain item in the said book, "Coasters' anchorage, one shilling," meant a shilling on a vessel arriving coastways; that that was paid as town dues to the collector; that the said James Guiball knew of that being regularly paid; that the item, British vessels from foreign ports, 1*s.* 3*d.*, was for vessels arriving from a foreign port; that it was collected by the same person; it was a memorandum by Mr. Crosbie; there were three rates; foreign vessels paid 1*s.* 6*d.*, and British vessels 1*s.* 3*d.*; that this was always collected by the same person as the other, as far as the said James Guiball's memory went; that there was not any similar charge on vessels going outward, as far as related to anchorage; what was called anchorage there was none; that the word anchorage governed all three; it was, "Vessels from a foreign part, 1*s.* 3*d.*"; that meant anchorage, and these three sums, upon coasters one shilling, English vessels from a foreign part 1*s.* 3*d.*, and foreign vessels 1*s.* 6*d.*; that was for anchorage; that there was no charge upon the vessel outwards; that he remembered himself one instance of additions being made to the articles of the table; that one was tanner's waste; that he thought tincal was another; it was imported then, since the East India trade was with them; that tincal was in packages; that the duty was either 2*d.* or 1*d.*; that the principle on which the amount was assessed on was per ton; that he was not present at the agreement; he was not present at the settlement with the receiver; that he thought the only reason that that article of tanners' waste is 2*d.* per hogshead, and in the list some other articles are charged at a higher, and some at a lower rate per hogshead of sugar, was of less value. Tanners' waste would be of very little value, and a hogshead of sugar would be of great value; that he thought that, where it was the same description of hogshead, that it was a charge made on the principle of value, he never heard it argued that the charge on a box of gold,

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which is less than a cubic foot in size, and 5,000 *l.* in value, would be, outwards, 1 *d.* a small box; that the term box was all he should look to; that on a box of dry goods containing gold, or some article of exceedingly small value, the charge would be still at 1 *d.*; that he called a box of gold, dry goods; that on a box of dry goods, whatever the articles might be, he would charge 1 *d.*, except soap and candles, and those paid less; that that was less, as they are of less value; that the said James Guiball did not speak of value, but of his own idea, that that was the rate he found there; that was the only reason, it was there before he was born; that he could not say whether it depended upon value; that a box of glass was charged one halfpenny; that he could not tell why that was less, it existed when he went there; that dry goods were 1 *d.*, with some few exceptions, such as soap, candles, and glass; that the exceptions were soap, candles, and glass; that plums were very seldom exported, they were imported; that he could not tell the reason of the charges on plums, they existed before his time; that plums were charged by the box, plums at so much per 100 boxes; that he could not account for that difference; that it existed before he went there; that prunes pay a farthing a box in and out; that he did not know the then present rate for collection; that it would be guess-work for him to say what he would have charged on 100 boxes of plums, when he last collected it; that he would look to some other article of a similar nature, and asssimilate it; that the new imposition of the toll on tanner's waste was not done in his presence; that the occasion he mentioned about cattle was not the first time he knew of toll on cattle; that was only a solitary instance of refusal; that there was then from 40 to 50 head of cattle; that he distrained one of them for the 40 or 50 pence; that he did not know the name of the person whose cattle he distrained, but he was an Irishman; that he did not remember the disuse at any time of the brass table, it was invariably hung up, and that he did during the whole of the same time remember the said book from which the said James Guiball made the said copy; that he supposed the reason why the table contained only a part, and the book much more, was the increase of trade, and various imposts assimilated to the table as near as possible; that he remembered the book so long as he knew the table; that he remembered the articles of tanners' waste being added to that book; that he remembers nothing, but that he did not know whether the articles came after tanners' waste in the said book were new articles; that he thought that some of those were new articles coming in point of date after tanners' waste; that he did not know anything about the assessment, or any of those articles but the one he alluded to; that he did not remember whether in the book from which he copied, it appeared that entries were made at different times; that it was written regularly through like his own writing; that he could not say whether it was written at one time; that he last saw the original he copied from about 1794 or 1795, he thought; that it was in his own possession when last he saw it; that it was mislaid some way or other; that he did not know whether it was purposely destroyed or not; that he saw it last in the drawer in which it was kept; that he could not say what became of it; that he never intended to refer to it, the other was very illegible by constant use, and that induced him to make that other, and that he did not know what had become of it; that he thought that tea was imported from London before tanners' waste, and that paid duty; that the merchant who came to make the entries stated the articles on which he meant to pay the duties, he made a slip of paper, it was a rate of the town duties ready prepared; that a book of rates was published annually; that the merchants generally brought a calculation, ready made, at the time he spoke of, along with the document; that he was ordered to make a calculation on the occasion of importation of toll on tanners' waste; that although he was not present at any conversation as to the duty, he was aware it was a new article; that the duty was in bulk, to the best of his recollection; that being in bulk, it could not be estimated by the hogshead; that as far as he remembered of any new article imported for the first time, the question for the assimilation of the new article to the old article was the subject of arrangement with the merchant; that he knew it was 3 *d.* per ton by Mr. Clemens desiring him to calculate tanners' waste at 3 *d.* per ton; that the anchorage that he mentioned was paid ever since he remembered on all vessels coming in, and according to the rate stated in the said book; that with respect to packages or dry goods, if such packages were found in the table the rate was taken accordingly from the table as on dry goods; that whatever he found the rate fixed in the table, to that he adhered to, whatever it might be; that there was no printed list; that he did not recollect of any application for a list ever being made; that they knew what was the duty to be paid when they came from knowing the custom, and learning it from the clerks at that time of day; that he knew nothing of the dues but from the brass plate and the book; that book was his property, and he had had it many years; that Mr. Spencer made him a present of it when he was his clerk; that that contained the town dues; that that book was then published, and in the hands of all merchants at the time; that he did not know that it was published in the Directory of Liverpool annually; that subsequent books, down to the present time, had the same list; they were books of rates, or merchants' guides, published by the clerk of the Custom-house at Liverpool, for sale among the merchants; they had each a list of the town dues in them; that those are called books of rates published at the Custom-house; new editions were brought out as new circumstances required it; that the last edition had been published within two years; that the merchants of Liverpool very well knew the town dues; that when they came to pay they came with their own calculation prepared almost invariably; that that was generally the course; that the said James Guiball adopted it, if rightly calculated in the figures, that is, if the figures were right; that the package was quite sufficient; if in the memorandum the merchant brought he said there were 20 packages,

packages, that was quite sufficient; that the merchant brought the material and the quantity upon which the duty was to be imposed; that calculation of the duty was already upon paper, and that the said James Guiball calculated to see if it was right; that that invariably was the case in every instance within his knowledge except that of tanners' waste; that it was not by the contents always, but by packages only; that if the merchant brought anything to pay dues, the said James Guiball had nothing to do but with the number of packages; that he never knew a merchant bring an account of the duty, he thought he ought to pay for a new article ready calculated; that iron bars paid 6*d.* a ton outwards; that he did not know the value; that copper rods are manufactured; that it was in his book of rates that iron in bars paid 6*d.* per ton outwards.

And the counsel for the said mayor, bailiffs, and burgesses, in support of the said issue, put in and gave in evidence a certain Act of Parliament, made and passed in the 8th year of the reign of Queen Ann, intituled, "An Act for making a convenient Dock or Bason at Liverpoole for the security of all Ships trading to and from the said Port of Liverpoole;" whereby, after reciting that the town and borough of Liverpool, in the county of Lancaster, was an ancient borough, seaport, and corporation, and was entitled and did enjoy divers ancient franchises, rights, and privileges, and for the better government thereof had several good and laudable customs not repugnant to the laws of the realm, and had, by long experience, been found to be of great importance for advancing Her Majesty's services and revenue, and trade in general, and for finding and employing great numbers of skilful mariners and seamen; and that the same port was and might be of great use and benefit to merchants and others trading to the northern part of the kingdom, and to avoid the common enemy might be driven upon that coast, it was amongst other things enacted, that from and after the 24th day of June 1710, for and during the term of 21 years thence next ensuing, there should be paid unto the mayor, aldermen, bailiffs, and common council of the said borough of Liverpool for the time being, and their successors, or to their collectors or deputies to be from time to time appointed, for every ship, vessel, bark, or lighter (the Queen's ships of war and others employed in Her Majesty's service only excepted), trading or coming into or out of the said port of Liverpoole with any goods or merchandize (the limits and extent whereof were as far as a certain place in Hoylake called the Red Stones, and from thence all over the River Mersey to Warrington and Frodsham Bridges), the several rates, tonnage, rulage, or duties thereinafter particularly stated and described.

And the counsel for the said mayor, bailiffs, and burgesses, in support of the said issue put in and gave in evidence a certain other Act of Parliament, made and passed in the 10th year of the reign of King George the Third, intituled, "An Act for making and maintaining a navigable Cut or Canal from Leeds Bridge, in the county of York, to the North Quay's Walk in Liverpoole, in the county palatine of Lancaster, and from thence to the River Mersey," whereby it was provided and enacted that nothing in that Act contained should extend to take away, alter, abridge, lessen, change, or intrude upon any jurisdiction or power of the corporation of Liverpoole, or any part thereof, in, about, or concerning the docks, piers, and harbour of Liverpoole, and all the franchises, liberties, privileges, town's tolls, and town's customs or dues, rights, estates, and interests whatsoever of the said corporation, which had been and were then held and enjoyed and occupied, paid to, taken, and received by the said corporation, or any part thereof, were by the said Act saved, reserved, continued, and confirmed to the said corporation and their successors, anything therein contained to the contrary thereof notwithstanding.

And the counsel for the said mayor, bailiffs, and burgesses, in support of the said issue put in and gave in evidence a certain other Act of Parliament made and passed in the 30th year of the reign of King George the Third, intituled, "An Act to enable the Company of Proprietors of the Canal Navigation from Leeds to Liverpool to vary the line of the said Canal Navigation, and to raise a further sum of Money for the purpose of completing the said Canal Navigation, and for other purposes;" whereby it was provided and enacted that nothing in that Act contained should extend to, take away, alter, abridge, lessen, change, or intrude upon any jurisdiction or power of the corporation, or any part thereof, in, about, or concerning the docks, piers, or harbour of Liverpool, and all the franchises, liberties, privileges, town's tolls, and town's customs or dues, rights, estates, and interests whatsoever of the said corporation which had been and were then held and enjoyed, used, occupied, paid to, taken, and received by the said corporation, or any part thereof, were by the said last-mentioned Act saved, reserved, continued, and confirmed to the said corporation and their successors, anything therein contained to the contrary notwithstanding.

And the counsel for the said mayor, bailiffs, and burgesses, in support of the said issue put in and gave in evidence a certain other Act of Parliament, made and passed in the 39th year of the reign of King George the Third, intituled, "An Act to enlarge the Term, and alter and enlarge the powers of several Acts relating to the Harbour of Liverpool, and for making two additional Wet Docks and Piers in or near the Port of Liverpool, and for rendering more safe and commodious the said Port and Docks;" whereby, after reciting that owing to the negligence or obstinacy of the persons having the care or command of vessels moored in the River Mersey, which was within the Port of Liverpool, and of which port the Corporation of Liverpool were the owners, It was enacted as therein is enacted.

And the said counsel for the said mayor, bailiffs and burgesses then produced and examined on oath, as a witness on the said trial, one John Moss, who stated that he then lived at Liverpool; that he had lived there 47 years in April then next; that he had been acquainted with the Custom-house business in Liverpool, less or more, since 1786; that he was formerly clerk to Mr. John Brown, a commission merchant; that the business he

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chiefly attended to was exporting goods to Ireland, tobacco from America, and occasionally goods from other parts; that he was connected with the Irish trade, the West Indian trade, and the American trade, and occasionally with other parts; that he imported sugar, rum, cotton, tobacco, corn, and timber, when the said John Moss was with him; and tallow from Russia he imported; that it was constantly part of John Moss's business then to attend to the entries of goods outwards and inwards; that the town customs were always paid upon goods going out and coming in; that the said John Brown was a freeman himself, but he did very little business on his own account, what he did on his own account the duty was not paid; that it was paid upon all other goods regularly; that he did not know of any alteration in the town dues upon any article whatever; that the said John Brown paid duty on coals by the chaldron, by the Winchester measure 3 *d.* per chaldron, to the best of the said John Moss's recollection, and afterwards it was entered by the ton, and the said John Brown paid 2 *d.* per ton; that the ton is as two to three, as near as possible; the chaldron is 27½ cwt., what alteration there is makes it in favour of the merchant; that the said John Moss was about six years in the office of the said Mr. Brown; that the said John Moss had since that time experienced the same sort of business in other ways, till within the last two or three years; that the town duty upon bags of cotton from Portugal was 2 *d.*; that the town customs upon tobacco was 4 *d.* per hogshead inwards; boxes of linen from Ireland, 2 *d.* a box inwards, outwards 1 *d.*, half price, always that they used to have them from Ireland for exportation, and in that case they did not pay outwards again when there was a consignment; when they were the same property they did not pay outwards again; that the dues paid by Mr. Brown corresponded with what was upon the brass plate; that he remembered the exportation of iron in bars; that the duty upon that was 6 *d.* per ton, that was to Ireland; that the first receiver that the said John Moss paid the town duty to was Mr. Hamer, but he died very soon after; that he died in the year 1787, to the best of the said John Moss's knowledge, 46 years ago; that the brass plate was hung up then; that he applied to Mr. Hamer to know the amount of duty when he first began the Custom-house business, and the said Mr. Hamer referred him to the plate; that is what he remembered as having taken place 46 years; that salt was 16 *d.* for every hundred bushels, that is rock salt; that white salt was 2 *s.* a hundred bushels; that the hundred bushels come to in weight two tons and a half, and the duty was 2 *s.* per ton and a half; that copper in rods would very considerably exceed the value of iron in bars, four times as much; that a box of silver or gold imported was free of all charge whatever; that the house with which the said John Moss was connected imported gold from Liverpool without the payment of any duty; that the said John Moss recollected a vessel coming to the pier head, and as soon as she came he took it, and paid no town dues at all; that that had happened after to him; that he was clerk to Mr. Large, of Liverpool, and he frequently imported gold from Jamaica; that he never knew of any duty paid upon gold; that the duty upon tar was 2 *d.* a barrel inwards; that the duty paid upon flour was 1 *d.* inwards and 1 *d.* outwards; that the copper comes from Bristol and from Wales after it is smelted; that great quantities of the iron come from Wales; that 30 or 40 years ago there was a great deal more of foreign iron used than English iron, at least in the neighbourhood of Liverpool; that he did not recollect ever paying anything for gold; that it is not entered at the Custom-house, nor silver that comes in free; that gold or silver in bars or coin are allowed to flow in free; that there are no King's duties upon it; that silver spoons would not be allowed without duty, and articles of that kind; they bear a very heavy duty, but bullion or bars is free.

And the said counsel for the said mayor, bailiffs, and burgesses then produced and examined on oath as a witness on the said trial one John Potter, who stated that he was a book-keeper; that he was of the age of 63; that he was acquainted with the Custom-house business in Liverpool; that he went apprentice to the Custom-house business in the year 1785 to Mr. John Wright, agent for the Manchester and Liverpool Navigation; that he was afterwards three years with Mr. John Bolton; that he was with Messrs. Rathbone & Co. for two years, with Wright and Davies for 22 years; that those gentlemen with whom he was or were concerned in importing and exporting goods to Liverpool to a very great extent the whole of them; that during the time he had mentioned when he was with these gentlemen he transacted the Custom-house business; he did the whole of the business when with Wright and Davies for the 22 years; when he was with Mr. Bolton he did a part, but not the whole; when he was in the West Indies he did, but when he was 22 years with Wright & Davies he transacted the whole; that he had been in other situations since he left Wright & Davies; Sanders & Claxton, two years and a half, and with John Marrow for two years; that he went to Wright & Davies in 1804, and remained there 22 years; he went to Sanders & Claxton in 1826, and then to John McKinnon's; that he always paid the town dues in every house he was in, and never heard it objected to; that he never knew of any difference in the town dues, except in the article of tallow, which was three-pence, and now one penny, and horse hides at one penny, now paid at a farthing; that tallow was paid now by composition at a penny; horse hides were a penny, and now paid by composition at a farthing; that there is a slight alteration in coals, which paid three-pence per chaldron, and now pays two-pence per ton; that they are now paid by weight instead of measure; that that would make very little difference; that he never heard of any other rate; that in the houses he had been he had become acquainted with the article of tar and of flour; also that he had imported flour; that flour was certainly the most valuable; that a barrel of flour would be worth 30 or 40 per cent. more than a barrel of tar; when he was with Sanderson & Co. they had a great deal to do with corn, as much as any other houses in the town; that many crates of earthenware would measure

40 cubic feet, but they are of various sizes; that gunpowder cannot be brought into the town, it is always landed at the magazines, two miles below Liverpool, on the Cheshire side; that flour varies in value very much, according to the market, from 40 to 100 per cent., sometimes; that tar varies also; that wheat and flour vary much in price.

And the said counsel for the said mayor, bailiffs, and burgesses then produced and examined on oath, as a witness on the said trial, one William Yelverton, who stated that he went apprentice to Mr. Warrington in 1797; he conducted his business; that he continued all the time with Mr. Warrington, till he went into business for himself; that he had occasionally to pass entries at the Custom-house; that he paid the town dues there always, except as to goods belonging to freemen; that the said Mr. Warrington was largely concerned in importing slates; that he had a slate yard at Runcorn, and in Liverpool also; that they considered Runcorn in the port of Liverpool; that other cargoes of slates went up to Runcorn; that they pay the dues upon them exactly the same as upon others; that they pay those dues upon cargoes going to other parts of the port, as well as those coming to Liverpool; there is no difference whatever; that Mr. Warrington had a manufactory of pozzolano near, but not in Liverpool; that articles were imported and carried to that place, not exported from it; that they paid duties upon them, as well as others, upon pipe-clay, flint stones, and ground flints; that whenever they were taken to places within the port of Liverpool they always paid town dues in the same manner; that Runcorn is on the Cheshire side of the Mersey; that it is in Cheshire; that it was upon goods imported that they paid at Runcorn. If by any oversight the said William Yelverton omitted to pay dues, Mr. Brooke would turn back, and say, you have not paid your town dues; that those oversights have sometimes occurred, as he was sometimes rather in a hurry about his business, not frequently. The regular course of business is to go to the town's dues office and pay them, and then to the other office; that in passing coals outwards it might have happened; that he was then engaged in the slate business; that they have a yard at Liverpool, and occasionally send slate to Runcorn; that when he omitted to pay the town's duties it was not because he objected to pay them, it was merely an oversight.

And the said counsel for the said mayor, bailiffs, and burgesses then produced and examined on oath, as a witness, one William Hayes, who stated that he lived at Frodsham, near Liverpool; that he had carried on business as a merchant there for 30 years; that he believed Frodsham was within the port of Liverpool; that it was always so considered; that he was in partnership with his father there before he began business for himself; that his father was not a freeman of Liverpool; that during his father's time he paid the town dues for goods imported into and exported from Frodsham; that Frodsham is higher up than Runcorn; that it is not between Runcorn and Warrington Bridge, it is upon the river Weaver, and the Weaver falls into the Mersey; that he imports into Frodsham principally slates; that before the year 1818 the town dues were paid in Liverpool at the Custom-house; that in 1818 a person was sent to receive the King's customs at Runcorn. That since the year 1818 they paid the town dues at Runcorn; that there was a person appointed there first of all, Mr. Nevett, and afterwards Mr. Jones, and they paid the town dues to them since that time; that his goods came down the Mersey to Frodsham; that they bring them sometimes to Runcorn and sometimes to Frodsham; that they always come up through the Mersey; that he always got them from the sea up the river to Runcorn or Frodsham; that Frodsham is in Cheshire; that the distance between Frodsham and Runcorn is five miles.

And the said counsel for the said mayor, bailiffs, and burgesses then produced and examined on oath as a witness on the said trial one William Dixon, who stated that he was in early life engaged in the house of Messrs. Watts & Walker, of Liverpool; that he was apprentice there in the year 1789; that Messrs. Watts & Walker were at that time the most considerable house in the kingdom; that the firm had separated before the death of Mr. Watts; that he continued after Mr. Watts's death; that from the first year of his being there he had a great proportion of the Custom-house business to perform, and in the course of that time paid large sums for town dues; that it was never disputed by that house; that the junior partner was a freeman; but they were factors or agents, and the goods they imported were not their own; that the said William Dixon had of late years been treasurer of the parish; that in the parish of Liverpool the poor rates amount to a very large sum; that the Corporation of Liverpool are rated to the poor in the proportion to the rest of the parish; that the corporation had been rated to his own knowledge for the town dues, about a dozen years; that about five weeks ago he received 5,875 *l.* for rates of town dues for last year; that he received a great deal more, but that was for rates of town dues; that the sum received last year was 3,500 *l.*; the year before 4,312 *l.*; the year before 3,350 *l.*; the year before that 4,812 *l.*; that as far back as he could speak to of his own personal knowledge, he received in the year 1821, 5,500 *l.*; in 1822, 2,926 *l.*; in 1823, 3,658 *l*; that the corporation occupy in Liverpool the graving docks, some small houses for the accommodation of their own officers; they occupy the town hall, which is not assessed; that it is inhabited for public purposes; that the graving docks belong to them, and they occupy them and some few houses, and a few weighing machines.

And the said counsel for the said mayor, bailiffs, and burgesses then produced and examined on oath as a witness on the said trial one Thomas Corrie, who stated that he had been appointed collector of the town dues as town's customer; that he was appointed in February 1821; that they had been collected by him ever since that time; that he had not in his time known of any objection till Mr. Bolton recently disputed them; that he collected by the table which he found in the office on his appointment; that that is contained in a book; that since his appointment new articles of importation had been brought to Liverpool, unknown there before as articles of merchandise; that when new articles were

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imported, he fixed the rate upon them according to their nature and uses, provided they were not packages, and assimilated them to other articles as nearly as possible; if in packages, he made a package rate; if not in packages, but in bulk, he assimilated them as nearly as possible to other articles; that he did not inquire much into the value, but the nature, quality and uses; that he always did it with the concurrence of the merchant who imported them; that he could only recollect two instances; that in fixing the rate he consulted the merchant, and he has acquiesced; that he did not recollect that any rate had been diminished in his time, except by the compositions that were fixed in 1825 at the request of the merchants; that they were upon tallow and upon horse hides and ox hides going to the East Indies, and upon horse hides and salt going to Ireland; that with respect to these articles, he was authorised by the common council to accept the lower rates as a composition at the request of the merchants; that he had at that time communication with the merchants, that in consequence of that, lower rates were fixed; those have been received ever since; the merchants acknowledging that the lower rates were a composition; that there was not any instance in which the rates have been raised from the ancient rates to his knowledge; that he was appointed in 1821; that he had not been at all concerned with any other persons before in that office, assisting in respect of the dues; that he succeeded Mr. Crosbie; that Mr. Crosbie died the month before the said Thomas Corrie was appointed; that he was aware of the sort of goods as to which Mr. Bolton had refused to pay the duties; that he had a list of them; that he had examined a certain printed list by his own account of the goods which paid town dues, and that that was correct as to the articles, and the amount of the rates charged; that there were only four articles in that that he did not find in some of the books and tables of rates that he had when he first came into office; that everything was in the list of rates; that there was no article in that upon which he had not received duties before from other people; that tincal was one of the four articles; that he received the town duty upon tincal from other persons at the same rate that Mr. Bolton refused to pay; that tincal came from the East Indies some years previous to his appointment; that the aggregate amount of duties that he refused to pay was outwards 104 *l.* 12 *s.* 4½ *d.*, inwards 380 *l.* 7 *s.* 3 *d.*; that was 484 *l.* 19 *s.* 3½ *d.*; in addition to that, there was 1 *l.* 5 *s.* 1 *d.* at Runcorn; that that account commences on the 2d May 1830, and is carried on with respect to the imports and exports of Liverpool, till the 13th of August of the same year; that it was from the 22d May to the 13th of August; that Mr. Bolton is an American merchant; that Mr. Bolton was an Englishman trading to America; that several other gentlemen had refused also, till that question was decided between 50 and 60 merchants, among those some of the most respectable merchants in Liverpool; that he made the charges against Mr. Bolton from the existing book of rates; that he had not the book of rates of the present year; that he had a book of rates that was in use up to 1830, since this suit was depending; that he had no book since that, that was the last book he had, that that was copied from the town book, and at that time he delivered it over to the town clerk; that he found only one book in the office when he went there; that he made his new book about the year 1825; that he had not in court the existing book of rates; that he had the book that existed at that time; that the book which was at the present time in use was opened in 1830, at the time this question was raised; that he was desired to deliver that book to the town clerk; that the existing book of 1833 was a book made in 1830; that he had with him the book of rates he collected in 1830; that it was originally a copy of the book he previously had; that he had made some additions subsequently to it; there are some articles put down in that book, not in this; that he made that book more complete than he considered the said book from which it was so copied to be; that several articles paid by the package rate, not in the prior book, was put down in the other book, but they still paid the package rate; that with respect to new articles, where they did not come in the description of package, he found in the old rate, he took into consideration the nature, quality, and use; that nilson was the first article; there was a large quantity of nilson imported in bulk in Alexandria, about 150 ton; that he enquired what was the quality, nature, and use of nilson, and he found it was similar to barilla, an article imported from Spain; and he put the same rate upon nilson as upon barilla; it was for the house of and Co., and no objection was made; that barilla paid 1 *s.* per ton; tincal comes in boxes; that he had seen boxes of tincal, probably from 18 inches to two feet in length, and it was half as much, or perhaps not half so much, in thickness; that munjeet comes in bundles; that a bundle is about two pounds weight; that it is an article in long strips; it comes in thin twigs; that the length of the twigs is from five to ten feet; that a bundle is about the thickness of his arm; it is doubled up in all shapes; that paper is imported sometimes from Leghorn in bundles; that the duty is a penny per bundle; that the charge was always the same, always a penny a bundle; that he knew the house of Jones, Mann and Forster; that they were brothers; that he remembered their importing a quantity of munjeet; the amount of the town dues was something considerable; that it might be about 8 *l.*; that he had a clerk of the name of Lonsdale; that he did not ever fix the rate upon new articles without consulting the said Thomas Corrie; that he recollected the said Jones, Mann & Foster applying, and that there was a return of about half the amount, but not upon munjeet; there was an error in their own statement; there was a return upon the amount; they entered munjeet, and the goods did not prove to be munjeet; they were madder roots, and the said Thomas Corrie returned the difference of the rate upon that article, instead of munjeet; that he ascertained whether it was munjeet or madder roots through the auditor of the town's duties, an auditor of accounts, an officer of the Customs, who is principal auditor of the town's duties also. That he is not an officer of the corporation; he is an officer who is employed as principal auditor of the said Thomas Corrie's accounts; he is an officer of the Customs. That he is not a member of the corporation; that the

the common council appoints such auditor; that he is not of the common council. That the said Thomas Corrie referred the application to him as to the quantity of munjeet landed, and he came back to the said Thomas Corrie, and said it was not munjeet, but madder roots. The 4 *l.* was returned as paid upon madder roots; that madder roots in small bales from the Mediterranean. That he goes to the docks very seldom; he goes occasionally; he had been there two or three times. That when he went to demand payment of the account for goods imported by Mr. Bolton, the said Thomas Corrie asked him if he was the importer and exporter of these goods, and he said he was. He said that he refused the payment only for the purpose of trying the question of the legality of the town dues. That he went from time to time; that he did not see the goods in that account landed; he believed they were all landed at the docks; that the dock to the southward of the Queen's Dock is the Brunswick Dock; what was called the Brunswick Dock Basin is now called the Brunswick Dock; that is now finished. That he was a member of the corporation; that he had been in the common council since the year 1811. That the corporation had been at a very considerable expense in building churches at Liverpool; they built St. Luke's; they purchased and finished St. Michael's; they have rebuilt St. George's. That the patronage of those churches is in the corporation; that the corporation let the seats in those instances and support the establishment. That that account did not state where the goods were landed. That nothing passed between himself and Mr. Bolton as to the spot where they were landed. That some conversation might have passed between Mr. Bolton and him, as to what was going to Runcorn; but, as there is a separate receiver there, he had nothing to do with the duties claimed there. That the conversation as to the sum of 485 *l.* 9 *s.* 5 *d.*, did not include anything as to the goods landed at Runcorn; there is a receiver there. That of that account the last article, amounting to 1 *l.* 5 *s.* 1 *d.*, does include some that were landed at Runcorn, but that is not within the said Thomas Corrie's department; everything else in the said account was in his department. That he received also for anchorage for all vessels coming into Liverpool as quite distinct from these custom dues; coasting vessels pay 1 *s.*; English vessels from Foreign ports, 1 s. 3 *d.*; and foreign vessels, 1 *s.* 6 *d.*; and that the defendants had paid to the plaintiffs the anchorage due for the ships in which the goods were imported, in respect whereof the town dues in question were claimed. That the article munjeet is not included in that list of articles that Mr. Bolton imported; that he had no discussion with him about munjeet at all. That the merchants importing munjeet had complained of the town dues upon that; that that has been imported since the opening of the trade with the East Indies; that it was imported immediately afterwards. Most ships brought some, in various quantities; almost every ship from Calcutta brings more or less. That the number of ships from Liverpool to Calcutta has increased since the trade was opened. That the use of the article is for dying. That Mr. Bolton first refused to pay on the 22d of May 1830; he refused on the import on the 22d. That the said Thomas Corrie had known him as a merchant in Liverpool, perhaps 30 years; always in a considerable way of business. That he had always paid the town dues to the said Thomas Corrie, from the time when he became collector in 1821 until the refusal in 1831. That fire-bricks have been exported from Liverpool, and imported into Liverpool also. That the value of fire-brick exceeds the value of the common brick, but that he did not know in what proportion. That with respect to anchorage, he had had no dispute with Mr. Bolton; nor in any other case, except in one case, where a man defrauded him of a single shilling; that was the only sum he had failed to recover. That he did not know whether there was any article to which he could have assimilated munjeet; that is, in large pieces. That if a clerk comes to the said Thomas Corrie to enter munjeet, he brings a paper concerning such a vessel, and such a house as importers of so many bundles of munjeet, the size of which the said Thomas Corrie does not know at the time. That there has not been any discussion with the importers as to the mode of charging upon munjeet; they have complained that it was heavy. That it is the custom to charge anvils exported or imported a halfpenny each; that the charge is not in the said Thomas Corrie's book, but that he believed it to be the custom in the office. That canes pay 2 *d.* a thousand inwards; canes of all descriptions, inwards. That he did not recollect any instance of bamboo, but he had had common canes (not bamboo) with short joints; but upon bamboos, he thought, he should charge 2 *d.* a thousand, if they came. That he would charge the same as upon cane.

And the said counsel for the said mayor, bailiffs and burgesses, then produced and examined on oath as a witness on the said issue, one Joseph Moulesdale, who stated that he was an officers of the Customs; that in his commission he was intituled Principal Coast Officer at Runcorn, in the port of Liverpool. That there is no King's duty paid at Runcorn; they are not permitted to enter goods at Runcorn, nor pass the entries for them at Runcorn, as to the duties of the King, only for free goods coastways. That nothing goes to Runcorn except what is duty free, except the duty is paid at Liverpool; the duty of goods are entered at Liverpool, and the document is sent to me, to suffer them to be landed at Runcorn; that the duty is paid at Liverpool. That he remembered the late Mr. Nevett; that he was receiver of the town dues for Liverpool, for vessels bringing goods and discharging at Runcorn; that Mr. Nevett is dead. That he had frequently been with him when he has calculated the town dues, and received them since 1818. That Richard Jones is the present receiver of the town dues at Runcorn. That he was appointed officer at the time of Mr. Nevett's decease; it was in September 1831. And it was then admitted by the counsel for the said defendants that they had been jointly concerned in the importation and exportation of the goods in respect of which the claim in the said issue was made including the goods alleged to have been landed at Runcorn.

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And the said Thomas Foster being again examined on the said trial, stated that since the death of Mr. Statham he had been town clerk; that he had known the Corporation of Liverpool long; that there was a court called the Court of Passage held by the corporation. That the mayor and the members of the corporation are the judges of that court; that all causes within the borough are tried there. That as an attorney he had tried an action with respect to the damage done to a flat in the river, about half-way between Liverpool and , and in the said court. That he had acted as coroner for the borough in cases of bodies taken out of the river; across the river, on the Cheshire side, in cases of anything washed up from the sea all over the river. That it had not ever happened in his time within his recollection to take an inquest upon any accident that happened at any great distance up the river between Liverpool and Runcorn. That he remembered one, since he was coroner, outside the Rock, on the way to Haylake and the Red Stones. That they never summon juries at Runcorn; they summon juries from the borough; that they have an instance of a record of an inquest; that it is not now the practice to put the inquests in a book; that he knew writs in that court were executed all over the water of the River Mersey, going out to the outside of the entrance of the port as far as the limits of the port are defined by Act of Parliament, and in various other ways. That the first Dock Act defined it to be as far out as Haylake and the Red Stones, and from thence all over the River Mersey as far as Warrington and Frodsham bridges; that Runcorn is within the River Mersey and within Warrington and Frodsham bridges; that the jurisdiction of the Court of Passage extended all over the water; that he had frequently known persons arrested on the river by process out of that court; that as an attorney of the court he had caused persons to be arrested going out to sea at the very extremity; persons running away in the opposite direction and that was more frequent in regard to sailors going to sea and persons of that description; that the Red Stones are on the Cheshire side and outside the entrance to the harbour; that that is past the Red Noses; that he held inquisitions opposite the town of Liverpool frequently on bodies washing or floating up the river; that he held inquests as coroner on bodies floating up there; that when bodies are washed up there he held the inquisition under this court and as coroner for the borough; that he could not remember any other places in which persons had been arrested going out to sea within his own knowledge, or his own business, scarcely any much above the town; that he remembered one instance of a man opposite Garstang; a man going up in a small lighter, he remembered causing him to be arrested about midway between Runcorn and Liverpool; that the jurors who sat in this court came from the borough only.

And the said William Illingworth, being further examined as a witness on the said trial, stated that the word "consuetudines," which was in the translation of the said charter of Henry the Third, produced and read as aforesaid, rendered customs, constantly used for customs and tolls in charters and grants, and very frequently not for customs, not having relation to pecuniary payments; that the word is frequently used as denoting usages not referring to pecuniary payments; that in the time of Edward the First it meant customs.

Whereupon the said counsel for the said defendants did then and there also insist before the Chief Justice aforesaid, on the behalf of the said defendants, that it was necessary for the said mayor, bailiffs, and burgesses, in maintenance of the said issue on their part, to give in evidence on the said trial that there was some sufficient consideration for the grant of the said town's customs in manner and form, wherein the same were alleged to have been granted and taken, and that some consideration should have been shown for the same moving from the grantee or grantees thereof, to or for the benefit of the public, or such or so many thereof as were sought to be charged with the said town's customs; and did also then and there insist that the jurors on the said trial should be directed by the said Chief Justice to consider whether any such consideration or considerations as aforesaid was or were given to the public, or such portion thereof as aforesaid, by the grantees of the said town's customs, at the time of the making of the said grant and the imposition of the said customs; and did also then and there insist that it was necessary for the said mayor, bailiffs, and burgesses, to give evidence in maintenance of the said issue on their part, that some good and sufficient consideration existed and was given for the continuance, taking from time to time of the said town's customs, and for the taking of the same by the said plaintiffs, from the whole or any portion of the public, down to the time of bringing of this action, and that the jurors aforesaid should be directed by the said Chief Justice to consider whether such consideration was still in existence. And the counsel for the said defendants did also then and there insist, that it appeared by the evidence so produced by the counsel for the said mayor, bailiffs, and burgesses, that the consideration (if any) for the imposition of the said town's customs which had existed at the time of the original grant thereof, and the legal liability of the said mayor, bailiffs, and burgesses to any burden for the benefit of the public which had ever been imposed on them, or those under whom they claim, as a consideration for the grant of the said town's customs, had wholly ceased to exist, and that therefore the said jurors should be directed by the said Chief Justice to consider the said evidence, and if they were of opinion that such consideration had wholly ceased to exist as aforesaid, then to return a verdict for the said defendants. And did also then and there insist that it appeared by the said evidence so produced that the said consideration (if any) which existed at the time of the original grant of the said town's customs had in part ceased to exist, and that the legal liability of the said mayor, bailiffs and burgesses to any burden imposed on them for the public benefit, as a consideration for the grant of the said town's customs, had also in part ceased to exist, and that therefore the said jurors

jurors should be directed by the said Chief Justice to consider the said evidence, and if they were of opinion that any part of the said consideration had ceased to exist, then to return a verdict for the said defendants; and did also then and there insist that the said mayor, bailiffs, and burgesses ought, in maintenance of the said issue on their part, to have proved at the said trial, that the whole of the said town's customs were assessed by some legal and proper authority, that they were certain, invariable, and of a reasonable amount; whereas it appeared from the said evidence so produced as aforesaid, that the whole of the said town's customs were assessed in an arbitrary manner, and not by any clear and certain rule, and without legal and proper authority, and that they were of unreasonable and variable amount, and that therefore the said jurors ought to have been directed by the said Chief Justice that they could not by law return a verdict for the said mayor, bailiffs, and burgesses for the whole or for any part of the said town's customs, but that they ought to return a verdict on the said issue for the said defendants. And the said counsel for the said defendants did also then and there insist that it appeared from the said evidence so produced as aforesaid, that part of the said town's customs, namely, such part thereof as were imposed on articles not specified in the said brass plate so produced in evidence as aforesaid, were assessed in an arbitrary manner, and not by any clear and certain rule, and without legal or proper authority, and that such part was of unreasonable and variable amount, and that therefore the said jurors ought to be directed by the said Chief Justice that they could not by law return a verdict for the said mayor, bailiffs, and burgesses, for such part of the said town's customs.

And the said counsel for the said defendants did then also insist that the said several entries, documents, evidence, matters, and things objected and excepted to as inadmissible in evidence as aforesaid, were not by law admissible in evidence, and should not be submitted to the jurors aforesaid on the said trial; and did also then and there insist that in and by the said grant of the fourth year of King Charles the First, and in divers other grants and instruments alleged to form part of the title of the said plaintiffs, and so produced in evidence as aforesaid by the said mayor, bailiffs, and burgesses, and under which they claimed the said town's customs, there was granted, if anything, "all that the town and lordship of Liverpool, parcel of the honor of Lancaster, in the aforesaid county of Lancaster, with every of their rights, members, and appurtenances, and all that boat and passage over the water of Mersey there, and the butchers shambles in the said town of Liverpool; and also all stallage and tolls of the market and fairs, with the perquisites of courts in Litherpoole aforesaid, and all customs, anchorage, and keytowle of the water of Mersey aforesaid, and within the aforesaid town or lordship of Litherpoole aforesaid." And the said counsel for the said defendants further insisted that the said mayor, bailiffs, and burgesses claimed the said town's customs as duties on certain goods imported into and exported from the said port of Liverpool, and that for the maintenance of the said issue on their part, they ought to have proved that at the time of making the said last-mentioned grant, the said port of Liverpool was included in, and formed part of the said town and lordship of Liverpool, or was coextensive therewith, or was one of its rights, members, and appurtenances; whereas it appeared on the evidence so produced by the said mayor, bailiffs, and burgesses, that the said port extended far beyond the said town and lordship, and its rights, members, and appurtenances, and formed no part thereof. And did also then insist that the said Chief Justice should leave it to the jury to consider upon the evidence whether the said port of the said town and lordship were coextensive, or whether the said port was parcel of, or included in the said town and lordship; and did also then and there insist that the said plaintiffs ought, in further maintenance of the said issue on their part, to have proved that at the time last aforesaid the said town of Runcorn for goods landed and shipped; whereas part of the town's customs demanded in this action were claimed was part of and included within the said port of Liverpool, and that thereby or otherwise it was at the said last-mentioned time included within and part of the said town and lordship of Liverpool, with the rights, members, and appurtenances, or other the premises comprised in the said grant, and the other instruments; and that the said jurors ought to have been directed on the said trial by the said Chief Justice, that they could not, without proof of such last-mentioned matters respectively, by law return a verdict on the said issue for the said mayor, bailiffs, and burgesses, but that they should return the same for the said defendants; or that the said Chief Justice should leave it to the jury to consider upon the evidence whether Runcorn aforesaid was within the port of Liverpool, or within the town or lordship of Liverpool or other the premises aforesaid. And the said counsel for the said defendants did also then insist, that the said mayor, bailiffs, and burgesses ought, for the maintenance of the said issue on their part, to have proved that the ownership of or jurisdiction over the said port of Liverpool had been, from the time of the said last-mentioned grant, and then was, in some manner claimed and enjoyed by the grantees of the said town's customs under the said last-mentioned grant, together with the said town's customs; and that the said jurors ought to be directed by the said Chief Justice on the said trial, that without such evidence produced to them on the said issue by the said mayor, bailiffs, and burgesses, they could not by law return a verdict on the said issue for the said mayor, bailiffs, and burgesses, but that they ought to return a verdict for the said defendants. And the said counsel for the said defendants then and there insisted also, that if such town's customs had had a good and sufficient consideration which was then continuing, and were by law capable of being recovered from the said defendants, yet that the said mayor, bailiffs, and burgesses were not legally entitled thereto, and had not the legal estate therein, and could not in their own name sue for and recover the same at law, but that the legal estate therein was outstanding in some other person or persons.

Appendix, No. 13.

And the said counsel for the said defendants therefore insisted that the said jurors should be directed by the said Chief Justice that the legal title to the said town's customs was not in the said mayor, bailiffs, and burgesses, and that therefore the jurors aforesaid could not by law return a verdict on the said issue for the said mayor, bailiffs, and burgesses, but ought thereupon to find a verdict for the said defendants. And the said Chief Justice did then and there declare and deliver his opinion to the jurors aforesaid, that the right to the said town's customs might have had a legal origin; that the said tolls might be reasonable, although the said corporation had not done any thing for the purpose of keeping up the port; that he thought the origin of the said tolls to be the dedication of a certain port to the public purposes of trade, and not the necessity on their part of doing any particular act from time to time in order to keep the port navigable for the general convenience; and that the said jury had no right to consider whether, at the time of the grant of the said tolls, there was to be any coexisting public accommodation or benefit provided by the said grantees of the said tolls; and that the jury had also no right to consider whether the dues now claimed and received by the said mayor, bailiffs, and burgesses are collected for any public benefit. And the said Chief Justice did also then further declare his opinion to the said jurors, that if the port duties were granted, and had existed for a long period of time, then they might be taken to apply to such new articles as should come into and be exported from the said port, and that the best mode, probably, of settling what should be paid was by concurrence between the receiver and persons liable to pay, and that by assimilation, as near as they could assimilate to the nature of the thing described, and that the same might legally be done; that the said objection as to the arbitrary imposition and assessment and varying and unreasonable amount of the said town's customs had nothing to do with the demand on the said defendants, except as it might go to show the improbability of the custom ever existing at all; that there was nothing claimed against the said defendants but what had existed, as far as was known from old times, so that there was no ground for the said defendants to say they would not pay the said town's customs, because it was the subject of a new arrangement in consequence of the article being new. And the said Chief Justice did not direct the said jury, as the said counsel for the said defendants had theretofore in that behalf insisted as aforesaid. And the said Chief Justice did then again express his opinion to the said jurors that the said several entries, documents, matters, and things objected to as aforesaid were admissible in evidence, and ought to be considered by them, and did read and submit the same to them accordingly.

And the said Chief Justice did further declare his opinion to the said jurors that it had been proved, and might safely be taken to be the fact in this action, that Runcorn aforesaid was within the said port of Liverpool, and that the said port of Liverpool was included in the grant of the town and lordship of Liverpool.

And the said Chief Justice did then and there express and declare his opinion to the said jurors, that if the town dues claimed had a legal existence, the plaintiffs had given sufficient evidence of their right to sue for them. And the said Chief Justice did not then and there direct, or charge the jury, as the said counsel for the said defendants had theretofore on the said trial in that behalf insisted, as is aforesaid; unto all which several matters and things the said counsel for the said defendants thereupon then and there excepted. But the said Chief Justice, with that his aforesaid direction, and in manner and form aforesaid, left the case to the said jury, and the said jury then and there gave their verdict for the said mayor, bailiffs, and burgesses, and 486 *l.* 9 *s.* 10 *d.* damages, being the whole sum claimed by the said plaintiffs, and including the dues in respect of goods landed and shipped at Runcorn aforesaid. Whereupon the said counsel for the said defendants did then and there, on the behalf of the said defendants, except to the aforesaid opinion of the said Chief Justice, and insisted on the said several matters so before insisted on; and inasmuch as the said several matters so insisted on as aforesaid by the said defendants do not appear by the record of the said verdict aforesaid, the said counsel for the said defendants did then and there, propose their aforesaid exceptions to the opinion of the said Chief Justice, and requested him to put his seal to this bill of exceptions, containing the said several matters so produced and given in evidence by the said mayor, bailiffs, and burgesses, and the said several matters so insisted on by the said counsel for the said defendants as aforesaid, according to the form of the statute in such case made and provided. And thereupon the said Chief Justice, at the request of the said counsel for the said defendants, did put his seal to this bill of exceptions, pursuant to the aforesaid statute in such case made and provided, on the day of , in the year of our Lord 183 .

Note.—This is a copy of the Bill of Exceptions, containing the alterations made in the defendants' original draft by Mr. Cresswell, counsel of the corporation. It differs from the copy contained in the book, which has been called Mr. Rushton's report of the trial. Whether Mr. Cresswell afterwards assented to any alteration in his draft, I have not been able to ascertain.

Wm Shuttleworth,
Town Clerk of Liverpool.

2 July 1856.

Appendix, No. 14.

LIVERPOOL.—13th December 1613.

ORDERS set down and prescribed to be observed by the Keeper of the Common Warehouse of this Town for the time being, and by him to be collected, of all such Goods, Merchandizes, and Commodities coming in or going out from the said Town, agreed upon the Day and Year aforesaid by *Peter Ulster*, *Abraham Darby*, Mayor of the Town of Liverpool, *Edward More*, Esq., *Thomas Molyneux*, Esq., Recorder, *Edmund Rose*, *William Banister*, and *Thomas Hockenhull*, Gentlemen, Aldermen of this Town.

A TABLE for Town's Custom and Hallage.

Imprimis, for every packe	ij ob.	Item, for every hund^{d} weight of brass, pewter, or such like metal perportionable after the rate	1^{d}
Item, for every fardell	1^{d}	„ for every pack of felts, containing 400, after the rate of ij^{d}, and so after that portion more or less only for after the rate of ij the	
„ for every bundle	1^{d}	„ for every doz. of calf skins tanned	ob.
„ for every firkin	1^{d}	„ for every hund^{d} w^{t} of rough tallow	ob.
„ for every ball of hops	ij^{d}	„ for every bundle of musketts, fowling-pieces	1^{d}
„ for every sack of hops	ij^{d}	„ bundle of halberts, scythes, frying-pans, horse-shoes, iron wares, doz. of chairs, crooks, and other wood ware	1^{d}
„ for every dicker of salt hyds	iiij^{d}	„ for every small bag of grocery ware and dying ware	1^{d}
„ for every barrel of small wares	1^{d}	„ for every hundred of fish	1^{d}
„ for every tun of	iiij^{d}	„ all other matters due to be paid for to the hall-keeper, and not ment^{d} in this table, if it be questioned, to be ruled by the mayor of this town for the time being.	
„ for every small bag	1^{d}		
„ for every dry fat	ij^{d}		
„ for every hamper	1^{d}		
„ for every tunne of grain	iiij^{d}		
„ for every stock pit	1^{d}		
„ for every barrel of beef	1^{d}		
„ for every doz. of crooks	1^{d}		
„ for every doz. of scythes	1^{d}		
„ for every tunne of iron traine, and for all wares and commodities by the tunne, after that portion	iiij^{d}		
„ for every hund^{d} weight of cheese and bacon, or such like commodities, being victual	1^{d}		

Note.—The foregoing is extracted from one of the record books of the Corporation, and is given in to the Committee in consequence of the same having been asked for. It contains the hallage or charges for the warehouse at that time received by the Corporation, and does not refer to the town dues.

2 July 1856.

Wm. Shuttleworth,
Town Clerk of Liverpool.

LEVERPOOLE.—1674.

A TABLE of the Customes and Hallidge Duty within the Towne and Burrough of *Leverpoole*, of all Goodes, Wares, and Merchandizes, as well going forth as comeing in.

	s.	d.		s.	d.
For every horse pack of goodes or merchandize	–	4	For every hamper	–	2
For every Irish pack of yarne	–	6 ob.	For every tunne of corne to and from forreigne parts	1	–
For every pack of skines or drie pelts	–	6	For every tunne of corne coastwayes	–	8
For every bundle, or fardle, or trusse	–	2	For every dozen of sithes	–	2
For every barrel, halfe barrel, or firkin	–	2	For every dozen of sickles or hookes	–	– ob.
For every dicker of hides, greene or tann'd	–	10	For every tunne of iron	1	–
For every bagg of hopes	–	4	For every hogshead of oyle	1	–
For every packett of hopes	–	2	For every hundred of bacon, cheese, and other provisions	–	2
For every tunne of emptie cask	–	8			
For every drifatt	–	6			

	s.	d.
For every hundred of brass, pewter, and other mettall	–	2
For every dozen of calfe skins tann'd	–	2
For every hundred of rough tallow	–	1
For every hundred of fish	–	2
For every hogshead	–	4
For every puncheon	–	6
For every butt or pipe	–	8
For every bale of madder	1	–
For every great pack	–	6
For every great trunk	–	3
For every small trunk	–	2
For every great chest	–	3
For every small chest	–	2
For every box	–	2
For every tunne of butter	1	–
For every horse, oxe, or cow	–	1
For every five sheepe or swine	–	1
For every chaldron of coales into forreigne parts	–	2
For every chaldron of coales along the coast	–	1
For every cart load of muggs into forreigne parts	–	6
For every cart load of muggs along the coast	–	4
For every crate of cups or pipes into forreigne parts	–	2
For every crate of cups or pipes along the coast	–	1
For every tunne of lead inward	–	6
For every tunne of lead into forreigne parts	1	–
For every tunne of oatmeale	–	6
For every tunne of rosin	–	1
For every ten barrells of salt along the coast	–	6
For every ten barrells of salt into forreigne parts	1	–
For every barrell of tarr	–	2
For every tunne of tinne	1	–
For every bag of woole	–	4 ob.
For every cart load of wett pelts	–	4
For every vessell that anchers in the river	–	5
For every thousand of barrell staves	1	–
For every thousand of lathes and hoopes	–	3
For every tunne of timber and balkes	–	6
For boards of all sorts, per hundred	–	10
For polls for masts and yardes for ships, per dozen	1	–
For tallow rendered, per hundred	–	3
For wines, vinegar, and brandie, per tunne	4	–
For herrings, per barrell	–	4
For lead oare, per hundred	–	– ob.

Note.—That for every barrell of herrings imported and sent to Sankey or any other place per boat, the towne custome is to receive a penny per barrell, setting thereon the towns marke * * * as per order of Councell.

2 July 1856.

Wm. Shuttleworth,
Town Clerk of Liverpool.

LIVERPOOL TOWN DUTIES.

		Inwards. s.	Inwards. d.	Outwards. s.	Outwards. d.
A. Ashes of fern	the 100 bushels	1	4	–	8
Alabaster	the ton	–	2	–	2
B. Butter	the ton	1	–	–	6
Bacon	the ton	1	–	–	6
Bottled beer	a tierce	–	3	–	1½
Ditto or ale	a barrel	–	2	–	1
Brimstone	a hogshead	–	4	–	2
Bricks	a thousand	–	–	–	1
C. Corn of all sorts	the 100 bushels	1	4	–	8
Clay for pipes or potters	a ton	–	3	–	3
Calamine	a ton	–	3	–	3
Cheese	a ton	–	6	–	6
Currants	a butt	–	8	–	4
Cotton	a bag	–	2	–	1
Cork wood	a ton	1	–	–	6
Coals	a ton	–	2	–	2
Cow hides	each	–	1	–	–½
Cow shanks	1,000	–	2	–	1
Cow horns	100	–	1	–	–½
A case of dry goods	–	–	4	–	2
A chest of ditto	–	–	4	–	2
A box of ditto	–	–	2	–	1
A candle-box	–	–	1	–	–½
D. Deals	100	1	–	–	6
Dyeing woods of every kind	a ton	–	6	–	3
Deer skins	100, loose	–	3	–	1½
Ditto dressed	a hogshead	–	4	–	2
E. Elephant teeth	a ton	1	–	–	6
Earthenware	a crate	–	–	–	2
Ditto loose	a cart load	–	–	–	4
Ebony	a ton	–	6	–	3
F. Feathers	a bed or bag	–	3	–	–
Fish salted, or stock fish	–	1	–	–	6
G. Groceries	a hogshead, coastwise	–	2	–	2
Groceries	a firkin	–	–½	–	–½
Ginger	a bag	–	1	–	–½
Gum senega	a ton	1	–	–	6
Glass bottles	100 dozen	1	–	–	6
H. Hemp and flax	a ton	1	–	–	6
Hops	a pockett	–	2	–	2
Herrings	a barrel	–	1	–	1
Hides, tanned	a bundle	–	–	–	1
I. Iron, in bars	a ton	1	–	–	6
Ditto, in pigs	a ton	–	6	–	3
Iron ore	a ton	–	3	–	3
K. Kelp	a ton	–	6	–	3
L. Linens of all sorts	a pack	–	4	–	2
Ditto	a box or bundle	–	2	–	1
Lead, lead ore, or copper ore	a ton	–	6	–	6
Lemons	a chest	–	2	–	1
Lignum vitæ	a ton	–	6	–	3
Lathwood	a fathom	–	2	–	1
M. Mahogany	a ton	–	6	–	6
Masts	large	–	3	–	–
Ditto	middle	–	2	–	–
Ditto	small	–	1	–	–
Molasses	a hogshead	–	2	–	2
Meal of oats, &c.	a ton	–	6	–	6
N. Nuts	a barrel	–	2	–	1
Ditto	a bag	–	1	–	1
O. Oak bark	a ton	–	6	–	6
Ditto timber	a ton	–	6	–	6
Ditto plank	100	–	–	–	–
Olive oil	a butt	–	8	–	4
Oil of fish, or train oil	a hogshead	–	2	–	2
P. Potatoes	100 bushels	1	–	1	–
Pasteboard	a bundle	–	1	–	–½
Paper	a pack	–	2	–	2
Perry or cider	a hogshead	–	2	–	2
Pots, iron	a ton	–	6	–	3
Gunpowder	a barrel	–	1	–	–½

			Inwards.	Outwards.
			s. d.	s. d.
R.	Rum, brandy, or any foreign spirits	a puncheon	– 8	– 4
	Ditto	a hogshead	– 6	– 3
	Rice	a barrel	– 2	– 1
S.	Sugar	a hogshead	– 4	– 2
	Ditto	a tierce	– 3	– 1½
	Ditto	a barrel	– 2	– 1
	Salt, white	100 bushels	– –	2 –
	Ditto, going coastwise	ditto	– –	1 –
	Salt, rock	100 bushels	– –	1 4
	Ditto going coastwise	100 ,,	– –	– 8
	Slates	1,000	– 1	– –
	Staves	1,000	– 6	– 3
	Seeds for gardens	a sack	– 1	– –½
	Soap	a box	– 1	– –½
	Starch	a chest	– 2	– 2
	Spirits drawn from corn	a puncheon	– 2	– 2
T.	Tobacco	a hogshead	– 4	– 2
	Tallow	the hundred weight	– 3	– 1½
	Tar and pitch	a barrel	– 2	– 1
	Turpentine	a barrel	– 2	– 1
	Timber, fir	a load	– 6	– 3
W.	Wine	a pipe	1 –	– 6
	Ditto	a hogshead	– 6	– 3
	Ditto, coastwise	a pipe	– 6	– 6
	Wool from Ireland	a bag	– 4½	– –
	Window glass	a side	– 1	– 1
	Wainscot boards	100	– 5	– 3
	Water, Pyrmont or Bristol	a hamper	– 1	– –½
Y.	Yarn	a truss	– 6	– 3
	Ditto	a pack	– 4	– 2
	Bay yarn	ditto	– 4	– 2
	Yarn, foreign	a fatt	– 8	– 4

2 July 1856.

Wm. Shuttleworth,
Town Clerk of Liverpool.

COPY of Book of Rates made out about the Year 1790.

			Inwards.	Outwards.
			s. d.	s. d.
A.	Ashes of fern, &c.	per 100 bushels	1 4	– 8
	Ashes, pott, pearl, &c.	per barrel	– 2	– 1
	Ashes, pott or pearl	per fatt	– 6	– 3
	Alabaster	per ton	– 2	– 2
	Allum	per ton	– 4	– 4
	Allum	per hogshead	– 4	– 2
	Apples	per barrel	– 1	– –½
	Apples	per bag	– 1	– –½
	Argol	per hogshead	– 4	– 2
	Argol	per tierce	– 3	– 1½
	Ale	per barrel	– 1	– 1
	Anchovies of barrels, containing 16 lbs.	per dozen	– 1	– 1
	Ale, bottled	per barrel	– 2	– 1
	Ale, ditto	per tierce	– 3	– 1½
B.	Bacon	per ton	1 –	– 6
	Beef or pork	per barrel	– 1	– 1
	Beef or pork	per tierce	– 1½	– 1½
	Bottled ale	per barrel	– 2	– 1
	Beer, bottled	per tierce	– 3	– 1½
	Ditto	per butt	– 3	– 3
	Bottles of oils, &c.	each	– –½	– –¼
	Brimstone	per hogshead	– 4	– 2
	Brimstone, loose	per ton	– 6	– 3
	Bricks, 1*d.* per ton, or	per 1,000	– 1	– 1
	Butter	per ton	1 –	– 6
	Box of dry goods	each	– 2	– 1
	Bale of dry goods	each	– 4	– 2
	Butt of dry goods	each	– 4	– 4
	Bullrushes	per bundle	– –½	– –½
	Bullrushes	per load	– 6	– 6
	Blubber	per butt	– 8	– –
	Blubber	per ton	– 8	– –
	Block tin	per ton	– 3	– 3
	Barilla	per ton	1 –	– 6
	Bran	per 100 bushels	– 8	– 4
	Burr stones	per ton	– 3	– 3
	Beech boards	per 100	– 4	– 4
	Buffalo hides	each	– 1	– –½
	Bees' wax	per barrel	– 2	– 2
	Bees' wax	per tierce	– 3	– 3
	Bees' wax	per ton	1 –	1 –
	Battens	per 100	– 6	– 3
	Balk fir, 5 and under 8 in. diameter	per 100	1 –	– 6
	Brooms	per dozen	– –¼	– –¼
C.	Cows	each	– 1	– 1
	Cow hides	each	– 1	– –½
	Cow shanks	per 1,000	– 2	– 1
	Cow horns	per 100	– 1	– –½
	Calf skins	per dozen	– 1	– –½
	Cow or ox hoofs	per 1,000	– 1	– –½
	Cow hair	per hogshead	– 4	– 2
	Cow hair	per bag	– 1	– –½
	Calves' velves	per hogshead	– 2	– 2
	Calves' velves	per tierce	– 1½	– 1½
	Calves' velves	per barrel	– 1	– 1
	Calamine	per ton	– 3	– 3
	Clay (pipe)	per ton	– 3	– 3
	Clay, Sutton, for copper works	per ton	– 1	– 1
	Clay or China stone	per ton	– 1	– 1
	Copper ore	per ton	– 6	– 6
	Copper (manufactured)	per ton	– 6	– 3
	Cheese	per ton	– 6	– 6
	Cotton	per bag	– 2	– 1
	Cotton	per pocket	– 1½	– 1
	Cotton	per seron	– 1½	– 1
	Cotton	per ballott	– 1	– –½
	Coals, Winch. measure	per chaldron	– –	– 2¾
	Coals, Newcastle measure	per chaldron	– –	– 5¼
	Coals	per ton	– –	– 2
	Coals, Cannel	per ton	– –	– 2
	Charcoal	per ton	– 3	– 3
	Charcoal dust	per barrel	– 1	– 1
	Cochineal	per cwt.	– 3	– 3
	Copperas, per ton, 6*d.*	or per hogshead	– 4	– 2
	Corkwood	per ton	1 –	– 6
	Corks	per bag	– 1	– –½
	Chalk	per ton	– 2	– 2
	Corn of all sorts	per 100 bushels	1 4	– 8
	Currants	per butt	– 8	– 4
	Currants	per caroteel	– 3	– 1½
	Case of dry goods	each	– 4	– 2
	Chest of dry goods	each	– 4	– 2
	Chest of arms, for Africa	each	– –	– 2
	Cardwine cases, for Africa	each	– –	– –½
	Cases of succus liquoritia	each	– 4	– 2
	Chests of sweet oil	each	– 3	– 1½
	Candles	per box	– 1	– –½
	Cyder	per hogshead	– 2	– 2
	Cordage	per ton	1 –	– 6
	Caperevans	per 1,000	– 2	– 1
	Cream of Tartar	per hogshead	– 4	– 2
	Carboy of paints, &c.	each	– ½	– –½
	Coffee	per hogshead	– 4	– 2
	Coffee	per barrel	– 2	– 1
	Coffee	per bag	– 1	– –½
	Chairs, Windsor, &c.	per dozen	– 1	– 1
	Chert stones	per ton	– 1	– 1
	Clapp boards	per 100	– 7	– 7
D.	Deals	per 120	1 –	– 6
	Deal ends, three to a deal	per 120	– 4	– 4
	Deerskins, loose	per 100	– 3	– 1½
	Deerskins	per hogshead	– 4	– 2
	Deerskins	per puncheon	– 6	– 3
	Deerskins	per butt	– 8	– 4
	Dog skins	per dozen	– 1	– –½
	Dyeing wood of every kind	per ton	– 6	– 3
E.	Earthenware	per crate	– –	– 2
	Earthenware	per cart load	– –	– 4
	Earthenware	per hogshead	– –	– 2
	Earthenware	per puncheon	– –	– 2
	Ditto loose, 60 lbs. to a load		– 4	– 4
	Ebony	per ton	– 6	– 3
	Elephants' teeth	per ton	1 –	– 6

		Inwards.		Outwards.	
		s.	d.	s.	d.
F. Feathers	per bag or bed	–	3	–	3
Feathers, St. Kilda	per bag, small	–	1	–	1
Fish, salted or stock, 20 quintals	per ton	1	–	–	6
Flax	per ton	1	–	–	6
Flour	per barrel	–	1	–	1
Flour	per sack	–	– ½	–	– ½
Flour (same as corn)	per 100 bushel	1	4	–	8
Fire wood	per fathom	–	2	–	2
Fire wood	per ton	–	1	–	1
Figs in frails	per 100	1	–	–	6
Furriers' waste	per ton	–	6	–	3
Fullers' earth	per ton	–	3	–	3
Fox skins	per dozen	–	– ½	–	– ½
Furrs. *See* Peltry.					
G. Ginger	per bag	–	1	–	– ½
Glass bottles	per 100 dozen	1	–	–	6
Glass	per large case	–	4	–	2
Glass (of 16 inches square)	per box	–	– ½	–	– ½
Glue	per hogshead	–	4	–	2
Groceries (coastways)	per hogshead	–	2	–	2
Groceries	per firkin	–	– ½	–	– ½
Gum Senega	per ton	1	–	–	6
Gum Senega (coastways)	per ton	–	6	–	3
Gunpowder	per barrel	–	1	–	– ½
Gourds of aloes, Hepatika	each	–	1	–	1
Gamerian plumbs	per box	–	– ½	–	– ½
Ginsang	per cwt.	–	3	–	1 ½
Galls	per sack or bag	–	2	–	1
Gun stocks	per 100	–	1	–	1
Goat skins	per hogshead	–	4	–	2
Goose quills	per bag	–	1	–	1
Goat skins	per bundle or doz.	–	1	–	1
Glass	per crate	–	2	–	2
H. Hemp	per ton	1	–	–	6
Hempseed	per hogshead	–	4	–	2
Hempseed oil	per hogshead	–	2	–	2
Herrings	per barrel	–	1	–	1
Herrings, or 1 *d.* per 1,000, contents of a barrel, two mace to a bar	per mace	–	– ½	–	– ½
Hides tanned	per bundle	–	1	–	1
Hops	per bag	–	3	–	3
Hops	per pockett	–	2	–	2
Hampers of goods	each	–	– ½	–	– ½
Hazel rods	per 1,000	–	1	–	– ½
Hazel rods	per load	–	2	–	2
Hair	per bale	–	2	–	2
Hair	per bundle	–	1	–	– ½
Horn tips	per 1,000	–	1	–	– ½
Horn slugs	per ton	–	3	–	3
Hare skins	per hogshead	–	6	–	3
Household furniture, if for sale	per package	–	1	–	1
Hatters' dregs, &c.	per pipe or butt	–	4	–	4
Horses	each	–	2	–	2
Hogs' lard	per ton	1	–	–	6
Hempseed, loose	per 100 bushels	1	4	–	8
Handspikes	per 1,000	–	6	–	3
Hoops (wooden)	per load	–	4	–	2
	or for 1,000	–	1	–	1
I. Iron in bars, rods, or wrought	per ton	1	–	–	6
Iron in bars, rods, or wrought, coastways	per ton	–	6	–	6
Iron (in pigs) foreign	per ton	–	6	–	3
Iron (in pigs) coastways	per ton	–	3	–	3
Iron (cast or potts) foreign	per ton	–	6	–	3
Iron (cast) coastways	per ton	–	3	–	3
Iron ore	per ton	–	3	–	3
Iron plates, coastways	per pipe	–	6	–	6
Indigo	per barrel	–	2	–	2
Indigo	per box	–	1	–	1
Junks	per ton	–	3	–	3
Jarrs of tamarinds, &c.	each	–	– ½	–	– ½
Juniper berries	per bag	–	1	–	– ½
Ivory black	per hogshead	–	2	–	2
Indigo, &c.	per seron	–	3	–	1 ½
K. Kelp	per ton	–	6	–	3
Kitts of pickled salmon, &c.	8 to a barrel	–	2	–	2
Kipp skins, per dozen	each dozen	–	1	–	– ½
L. Lead	per ton	–	6	–	6
Lead ore	per ton	–	6	–	6
Lead, litharge	per ton	–	6	–	6
Lead, white	per hogshead	–	4	–	4
Lead, white or red	per barrel	–	2	–	2
Lathwood	per fathom	–	2	–	1
Laths	per 1,000	–	1	–	1
Linnens of all sorts	per pack or bale	–	4	–	2
Linnens	per box or bundle	–	2	–	1
Lemons	per chest	–	2	–	1
Lemons	per box	–	1	–	– ½
Lignum vitæ	per ton	–	6	–	3
Linseed cake	per ton	–	3	–	3
Linseed	per hogshead	–	4	–	2
Linseed	per tierce	–	3	–	1 ½
Linseed oil	per hogshead	–	2	–	2
Linseed, loose	per 100 bushels	1	4	–	8
Limestones	per ton	–	1	–	1
Lime	per chaldron or hogshead	–	2	–	2
Lambskins	per hogshead	–	4	–	2
Ditto	per dozen	—		—	
Leather, tann'd	per bale	–	4	–	2
Leather, tann'd	per bundle	–	1	–	– ½
M. Mahogany of 12 solid feet	per ton	–	6	–	6
Mahogany (bedposts)	of 50 per ton	–	6	–	6
Marble of 12 solid feet	per ton	–	6	–	6
Masts (large, of above 12 inches diameter)	each	–	3	–	3
Masts (middle, above 8 inches, and under 12)	each	–	2	–	2
Masts (small, under 8 inches and above 6)	each	–	1	–	1
Molasses	per hogshead	–	2	–	2
Millstones	per ton	–	3	–	3
Millstones	each	–	2	–	2
Matts (bass)	per 1,000	–	3	–	3
Madda (root)	per bag	–	1	–	– ½
Madda (root)	per bale	–	2	–	1
Madda	per hogshead	–	4	–	2
Mules	each	–	1	–	1
Meal of oats, &c.	per ton	–	6	–	6
N. Nutts	per barrel	–	2	–	1
Nutts	per bag	–	1	–	1
O. Oak bark	per ton	–	6	–	6
Oak timber	per ton	–	6	–	6
Oak timber of 50 feet, 40 feet to the ton, only 6 *d.*	per load	–	7 ½	–	7 ½
Oak planks	per 120	–	6	–	6
Oak knees	per 100	–	3	–	3
Oak timber of 40 feet	per load	–	6	–	6
Oakum	per ton	–	3	–	3
Oars	per 120	–	6	–	6
Oziers for hoops	per load	–	4	–	4
Oatmeal (2 bolls make 1 qr. of 140 lbs. per boll, or ½ per boll)	per 100 bushels or 6 *d.* per ton	1	4	–	8
Orchill	per cwt.	–	3	–	3
Otter skins	per dozen	–	– ½	–	– ½
Onions	per baskett	–	– ½	–	– ½
Oak or boat boards	per 100	–	6	–	6
Oil of olives, &c., per butt, pipe, or ton		–	8	–	4
Oil of palma, &c.	per puncheon	–	6	–	3
Oil of fish, or train	per hogshead	–	2	–	2
Oil, palma	per hogshead	–	4	–	2
Oil of olives, &c. &c.	per jar	–	– ¼	–	– ¼
Oil of fish, or train	per tierce	–	1 ½	–	1 ½
P. Paper (of twelve reams)	per pack	–	2	–	2
Paper	per load or ton	–	4	–	4
Paper (writing)	per bale (small)	–	1	–	1
Pasteboard	per bundle	–	1	–	– ½
Perry	per hogshead	–	2	–	2
Potatoes	per 100 bushels	1	–	1	–
Potatoes	per	—		—	
Pimento	per barrel	–	2	–	2
Pimento	per bag	–	1	–	– ½
Peltry or furrs	per bale or hhd.	–	4	–	4
Peltry or furrs	per barrel	–	2	–	2
Prunes	per box	–	– ¼	–	– ¼
Pumice stone	per hogshead	–	2	–	2
Post chaise, coaches, &c.	each	–	6	–	6
Perfumery	per barrel	–	2	–	1
Pepper (Malagata)	per puncheon	–	6	–	6
Pepper (ditto)	per barrel	–	2	–	2
Pepper	per bag	–	1	–	1
Pine board	per 120	–	6	–	6
Pealing board	per 120	–	6	–	6
Pork or other provisions	per puncheon	–	3	–	3
Pork (ditto)	per barrel	–	1	–	1
Porter	per butt	–	3	–	3
Portland stone	per ton	–	1	–	1

			Inwards.	Outwards.
			s. d.	s. d.
	Pitch or tar	per last	2 –	1 –
	Pitch or tar	per barrel	– 2	– 1
	Pipes	per box	– 1	– –½
	Pork	per tierce	– 1½	– 1½
R.	Raisins	per 100 baskets	1 –	– 6
	Raisins	per barrel	– 1	– 1
	Rice	per tierce	– 3	– 1½
	Rice	per barrel	– 2	– 1
	Rice	per bag	– 1	– 1
	Rum, brandy, &c., for.	per punch. or piece	– 8	– 4
	Rum, brandy, &c.	per hogshead	– 6	– 3
	Rum, brandy, &c.	per butt or pipe	1 –	– 6
	Rags	per ton	– 3	– 3
	Rapeseed, 10 ql. 1 last	per 100 bushels	1 4	– 8
	Reeds	per 1,000	– 2	– 1
	Rapeseed oil	per hogshead	– 2	– 2
	Rappitt, or racoon skins	per hogshead	– 6	– 3
	Rosin	per ton	1 –	– 6
	Rock moss	per barrel or bag	– 1	– 1
S.	Salt (white)	per 100 bushels	– –	2 –
	Salt (white) coastways	per 100 bushels	– –	*1 –
	Salt (rock)	per 100 bushels	– –	*1 4
	Salt (rock) coastways	per 100 bushels	– –	*– 8
			*40 bushels to the ton.	
	Salt (white, rock or bay, coming inward as outward, 40 bushels make 1 wey.)			
	Salt pans	per ton	1 –	– 6
	Saltpetre	per barrel	– 2	– 1
	Saltpetre	per bag	– –½	– –½
	Seeds (for gardens)	per sack	– 1	– –½
	Slates (small)	per 1,000	– 1	– 1
	Slates (of 2,000)	per ton	– 2	– 2
	Slates (large)	per 1,000	– 3	– 3
	Soap	per box	– 1	– –½
	Soap	per chest	– 2	– 1
	Soap (soft)	per firkin	– –¼	– –¼
	Soap	per hogshead	– 4	– 2
	Soap, waste	per ton	– 1	– 1
	Soaplye, ashes	per ton	– 3	– 3
	Spirits (drawn from corn)	per puncheon	– 2	– 2
	Staves and heading	per 1,000	– 6	– 3
	Starch	per chest	– 2	– 2
	Starch	per hogshead	– 4	– 2
	Sugar	per hogshead	– 4	– 2
	Sugar	per tierce	– 3	– 1½
	Sugar	per barrel	– 2	– 1
	Sugar (refined in lumps) for	every 3 cwt.	– 2	– 1
	Skeets, for ships or boats	per dozen	– 1	– 1
	Seal skins	per dozen	– –½	– –½
	Squirrel skins, of 40 skins	per timber	– –½	– –½
	Sheep skins	per dozen	– –½	– –½
	Sheep horns	per ton	– 2	– 2
	Sheep horns	per 1,000	– 1	– 1
	Sheep	per score	– 4	– 4
	Sheep skins dressed in lime	per ton	– 6	– 3
	Snake root	per truss	– 4	– 2
	Succades	per jar	– –½	– –½
	Skinners' waste	per ton	– 6	– 3
	Sand, for glass manufacture, &c.	per ton	– 1	– 1
	Sassafras	per cwt.	– –½	– –½
	Sarsaparilla	per bundle	– 1	– –½
	Shumach	per ton	– 6	– 6
	Steel	per bundle	– –	– –½
	Scythes	per bundle or doz.	– –	– –¼
	Scythes (of 25 dozen)	per pack	– 5	– 5
	Scythe stones	per 100 dozen	– 3	– 1½
	Scythe stones	per load	– 4	– 4
	Sea horse teeth	per cwt.	– 2	– 2
	Shruff (old)	per ton	– 3	– 3
	Silversmiths' sand	per tierce	– 1½	– 1½
	Spars	per 120	– 6	– 6
	Stone bottles, of marine acid, or spirits of salt, from Ireland	each	– –½	– –½
	Smiths' bellows	each	– 1	– 1
	Scaleboard	per bundle	– –½	– –½
	Stones (paving), free.			
T.	Tallow	per cwt.	– 3	– 1½
	Tar or pitch	per barrel	– 2	– 1
	Tar or pitch (of 12 barrels)	per last	2 –	1 –
	Timber (fir)	per load or ton	– 6	– 3
	wainscot ditto	120	– 6	– 3
	Tobacco	per hogshead	– 4	– 2
	Tobacco (manufactured) trusses	per score	– 4	– 4
	Turpentine	per tierce	– 3	– 1½
	Turpentine	per barrel	– 2	– 1
	Trusses (of dry goods)	each	– 2	– 1
	Trunks (of dry goods)	each	– 2	– 2
	Tin (manufactured)	per box	– –¼	– –¼
	Treenails	per 1,000	– 2	– 2
	Tanners' waste	per ton	– 3	– 3
	Tanners' waste	per hogshead	– 2	– 2
	Tapnets (of figs, &c.)	per 100	– 6	– 6
	Trees	per bundle	– –¼	– –½
	Tortoise shell	per cwt.	– 3	– 3
	Tow	per bag	– 1	– 1
	Tow	per ton	– 6	– 6
	Tea	per quarter chest	– –	– –½
U.	Ufers	per 120	– 6	– 3
V.	Valaria	per bag or sack of 1 cwt.	– 1	– –½
W.	Water (Bristol, &c.)	per hamper	– 1	– –½
	Wine	per pipe	1 –	– 6
	Wine	per leagar	1 –	– 6
	Wine	per hogshead	– 6	– 3
	Wine (in bottle)	per case	– 4	– 4
	Wine	per alm	– 3	– 1½
	Wine	per hamper	– –½	– –½
	Wine (coastways)	per pipe	– 6	– 6
	Wine (coastways)	per hogshead	– 3	– 3
	Window glass	per side	– 1	– 1
	Window glass from Scotland	per crate	– 1	– 1
	Window glass land	per box	– –½	– –½
	Wool (from Ireland)	per bag	– 4	—
	Wool (from Scotland)	per bag	– 4	—
	Wool (sheep's)	per ballot	– 2	– 2
	Whale bone or fins	per ton	1 –	– 6
	Whiting	per hogshead	– 2	– 1
Y.	Yarn	per truss	– 6	– 3
	Yarn, cotton, &c.	per pack	– 4	– 2
	Yarn (foreign)	per vatt	– 8	– 4
	Yarn (bay)	per pack	– 4	– 2

2 July 1856.

Wm. Shuttleworth,
Town Clerk of Liverpool.

COPY of Book of Rates made out by the late *William Crosbie*, about the Year 1802 or 1803.

		Inwards.	Outwards.
		s. d.	s. d.
Ashes of fern, &c.	per 100 bushels	1 4	– 8
Ashes, pot, pearl, &c.	per barrel	– 2	– 1
Ditto	per fatt	– 6	– 3
Alabaster	per ton	– 2	– 2
Alum	per ton	– 4	– 4
Ditto	per hogshead	– 4	– 2
Apples	per hogshead	– 3	– 1½
Ditto	per barrel	– 1	– –½
Ditto	per bag	– 1	– –½
Ditto, loose	per bushel	– –½	– –½
Argol	per tierce	– 3	– 1½
Ale	per barrel	– 1	– 1
Ale	per hogshead	– 2	– 2
Ditto	per butt	– 3	– 3
Ale, bottled	per barrel	– 2	– 1
Ditto, ditto	per tierce	– 3	– 1½
Anchovies, of barrels, containing 16 lbs.	per dozen	– 1	– 1
Aloes	per gourd	– 1	– 1
Arms	per chest	– 2	– 2
Annatto	per hogshead	– 4	– 2
Ditto	per tierce	– 3	– 1½
Ditto	per barrel	– 2	– 1
Antimony, regulus, or ore of	per box, 100 lbs.	– 1	– 1

(*continued*)

		Inwards.	Outwards.
		s. *d.*	*s.* *d.*
Almonds	per box	– 1	– 1
Ditto	per barrel	– 2	– 1
Ditto	per bag	– 1	– 1
Bacon	per ton	1 –	– 6
Beef or pork	per barrel	– 1	– 1
Ditto	per tierce	– 1½	– 1½
Brimstone, rough	per hogshead	– 4	– 2
Ditto – loose	per ton	– 6	– 3
Ditto – refined	per ton	1 –	– 6
Bricks	per ton	– 1	– 1
Ditto, common	per 1,000	– 1	– 1
Ditto, fire	per 1,000	– –	– 4
Butter	per ton	1 –	– 6
Bullrushes	per bundle	– –½	– –½
Ditto	per load, 63 bundles	– 6	– 6
Barilla	per ton	1 –	– 6
Bran	per 100 bushels	– 8	– 4
Ditto	per ton	– 3	– 3
Burr stones, 28 lbs. each	per ton	– 3	– 3
Beech boards	per 100	– 4	– 4
Bees' wax	per barrel	– 2	– 2
Ditto	per tierce	– 3	– 3
Ditto, loose	per ton	1 –	1 –
Battens	per 100	– 6	– 3
Balk fir, 5 in. and under 8 in. diameter	per 100	1 –	– 6
Brooms	per dozen	– –¼	– –¼
Baskets	per dozen	– –½	– –½
Barley, shelled	per ton	– 6	– 6
Bark	per bale	– 2	– 2
Ditto	per chest	– 4	– 2
Bones	per 1,000	– 2	– 1
Ditto	per ton	– 2	– 1
Bags, Danzig, new	per bundle of 50	– 1	– –½
Ditto, 200, 1 bale, loose	per 100	– 2	– 1
Brass, foreign	per ton	1 –	– 6
Blocks, wooden, loose	per 100	– 6	– 3
Blubber, now always charged on net oil	per tun	– 8	– 8
Berries, yellow	per bag	– 2	– 1
Balsam of Peru	per jar	– 1	– –½
Bath bricks, 650 to	a ton	– 1	– 1
Berries, yellow	per bale	– 4	– 2
Cows	each	– 1	– 1
Cow shanks or bones	per 1,000	– 2	– 1
Ditto horns	per 100	– 1	– –½
Ditto, or ox hoofs	per 1,000	– 1	– –½
Cow-hair	per hogshead	– 4	– 2
Ditto	per bag	– 1	– –½
Calf skins	per dozen	– 1	– –½
Ditto, velves	per hogshead	– 2	– 2
Ditto	per tierce	– 1½	– 1½
Ditto	per barrel	– 1	– 1
Calamine	per ton	– 3	– 3
Clay, pipe	per ton	– 3	– 3
Ditto, Sutton, for copper works	per ton	– 1	– 1
Ditto, or china stone	per ton	– 1	– 1
Copper ore	per ton	– 6	– 6
Copper, manufactured	per ton	– 6	– 3
Copperas	per ton	– 6	– 3
Ditto	per hogshead	– 4	– 2
Cheese	per ton	– 6	– 6
Cotton	per bag	– 2	– 1
Ditto	per seron	– 1½	– 1
Ditto	per pocket	– 1½	– 1
Ditto	per ballot	– 1	– –½
Coffee	per butt	– 8	– 4
Ditto	per puncheon	– 6	– 3
Ditto	per hogshead	– 4	– 2
Ditto	per tierce	– 3	– 1½
Ditto	per barrel	– 2	– 1
Ditto	per bag	– 1	– –½
Coals, loose, Winchester measure	per chaldron	– 2¾	– 2¾
Ditto, cannel	per ton	– –	– 2
Charcoal	per ton	– 3	– 3
Ditto, dust	per hogshead	– 2	– 2
Ditto	per barrel	– 1	– 1
Cochineal	per cwt.	– 3	– 3
Corkwood	per ton	1 –	– 6
Corks	per bag	– 1	– –½
Cardevine cases for Africa		– –	– –½
Chalk	per ton	– 2	– 2
Corn of all sorts	per 100 bushels	1 4	– 8
Currants	per butt	– 8	– 4
Ditto	per caroteel	– 3	– 1½
Candles	per box	– 1	– –½
Candlewicks	per bag	– –½	– –½
Cyder	per hogshead	– 2	– 2
Ditto	per tierce	– 1½	– 1½
Ditto	per barrel	– 1	– 1
Caparwans	per 1,000	– 2	– 1

		Inwards.	Outwards.
		s. *d.*	*s.* *d.*
Cordage	per ton	1 –	– 6
Cream of tartar	per hogshead	– 4	– 2
Ditto	per tierce	– 3	– 1½
Chairs, Windsor, &c.	per dozen	– 1	– 1
Clapp boards	per 100	– 7	– 7
Carriages of all descriptions	each	– 6	– 6
Cassia fistula	per ton	– 10	– 10
Ditto	per 100 lbs.	– –½	– –½
Cinders	per ton	– 2	– 2
Chert stones	per ton	– 1	– 1
Cordwood	per ton	– 3	– 3
Compounds	per pan	– 2	– 2
Ditto	per hogshead	– 2	– 2
Carrots	per ton	– 4	– 4
Crate wood	per load of 400 yards	– 6	– 3
Coals	per puncheon	– 6	– 3
Ditto	per hogshead	– 4	– 2
Ditto	per barrel	– 2	– 1
Dry goods	per butt	– 4	– 4
Ditto	per puncheon	– 3	– 3
Ditto	per hogshead	– 4	– 2
Ditto	per case	– 4	– 2
Ditto	per bale	– 4	– 2
Ditto	per tierce	– 3	– 1½
Ditto	per barrel	– 2	– 1
Ditto	per box	– 2	– 1
Ditto	per truss	– 2	– 1
Ditto	per hamper	– –½	– –½
Deals	per 120	1 –	– 6
Deal ends, three to a deal	per 120	– 4	– 4
Dyeing woods of every kind	per ton	– 6	– 3
Earthenware	per load	– 4	– 4
Ditto	per crate	– 2	– 2
Ditto	per hogshead	– 4	– 2
Ditto	per puncheon	– 6	– 3
Emery	per ton	– 6	– 3
Ebony	per ton	– 6	– 3
Elephants' teeth	per ton	1 –	– 6
Eggs, loose	per 1,000	– 2	– 2
Ditto	per crate	– 10	– 10
Feathers	per bag	– 3	– 3
Ditto	per bed	– 3	– 3
Ditto, St. Kild	per bag, small	– 1	– 1
Fishes, salted or stock; 60 stock fish to the quintal	per ton of 20 quintals	1 –	– 6
Ditto, salmon	per kitt, 8 to a barrel	– 1	– 1
Ditto	per tierce	– 1½	– 1½
Ditto	per hogshead	– 2	– 2
Flax	per ton	1 –	– 6
Flour	per barrel	– 1	– 1
Ditto	per sack	– –½	– –½
Ditto	per ton	– 6	– 6
Firewood	per fathom	– 2	– 2
Ditto	per ton	– 1	– 1
Figs, in frails	per 100	1 –	– 6
Ditto, in tapnetts	per 100	– 6	– 6
Furriers' waste	per ton	– 6	– 3
Fullers' earth	per ton	– 3	– 3
Felt, patent	per bundle or package	– 1	– 1
Fire bricks	per 1,000	– 4	– 4
Flag-stones	per ton	– 1	– 1
Glass bottles	per 100 dozen	1 –	– 6
Glass	per large case	– 4	– 2
Ditto	per small case	– 2	– 1
Glass of 16 in. square	per box	– –	– –½
Ditto, window	per side	– 1	– 1
Ditto	per crate	– 2	– 2
Glue	per hogshead	– 4	– 2
Groceries, coastways	per hogshead	– 4	– 2
Ditto	per tierce	– 3	– 1½
Ditto	per barrel	– 2	– 1
Ditto	per firkin	– –	– –½
Gum Senega	per ton	1 –	– 6
Ditto, coastways	per ton	– 6	– 3
Gourds of aloes, Hepatica	each	– 1	– 1
Ginsang	per cwt.	– 3	– 1½
Galls	per sack and bag	– 2	– 1
Gunpowder	per barrel, 100 lbs.	– 1	– –½
Gun-stocks	per 1,000	– 1	– 1
Grinding-stones	per load	– 4	– 4
Ditto	per chaldron	– 2	– 2
Grapes	per jar, pot, and box	– 3	– 3
Ginger	per bag	– 1	– –½
Geneva, foreign	per piece	– 8	– 4
Ditto	per pipe	1 –	– 6

		Inwards.	Outwards.
		s. d.	s. d.
Gypsum	per ton	– 6	– 3
Granite stone	–	– 1	– 1
Grain	per puncheon	–	– 3
Grain	per hogshead	–	– 2
Ditto	per barrel	–	– 1
Garden seeds	per sack	– 1	– –½
Hemp	per ton	1 –	– 6
Hemp seed	per hogshead	– 4	– 2
Ditto - loose	per 100 bushels	1 4	– 8
Herrings (2 mace per barrel)	per barrel	– 1	– 1
Ditto salted, loose	per 1,000	– 1	– 1
Hides, tanned	per bundle. *See* Leather.		
Ditto, raw or dry cow, &c.	each	– 1	– –½
Ditto, from East Indies	composition, p' dozen	– 1	– –½
Ditto, horse	composition, each	– –¼	– –¼
Hops	per bag	– 3	– 3
Ditto	per pocket	– 2	– 2
Hazel rods	per 1,000	– 1	– –½
Ditto	per load	– 2	– 2
Hair	per bale	– 2	– 2
Ditto	per bundle	– 1	– –½
Horn slugs	per ton	– 3	– 3
Ditto tips, 3,000 per ton	per 1,000	– 1	– –½
Horns	per 100	– 1	– 1
Hatters' dregs	per pipe or butt	– 4	– 4
Ditto	per puncheon	– 2	– 2
Handspikes	per 1,000	– 6	– 3
Hoops, wooden	per load, 2 m.	– 4	– 2
Ditto	per 1,000	– 2	– 1
Hay	per ton	– 6	– 3
Horses	each	– 2	– 2
Hogs	ditto	– –½	– –½
Hogs' lard	per ton	1 –	– 6
Honey	per barrel	– 2	– 1
Ditto	per keg	– 1	– –½
Ditto	per jar	– –½	– –¼
Heading for casks	per 1,000	– 6	– 3
Iron bars, rods or wrought	per ton	1 –	– 6
Ditto - ditto - coastways	ditto	– 6	– 6
Ditto - pigs, pots, or cast	ditto	– 6	– 3
Ditto - ditto - coastways	ditto	– 3	– 3
Ditto - plates	per pipe	– 6	– 6
Ditto - ore	per ton	– 3	– 3
Ditto - machinery	–	1 –	– 6
Ditto - ditto - coastways	–	– 6	– 6
Indigo	per chest	– 4	– 2
Ditto	per seron	– 3	– 1½
Ditto	per barr. and box	– 2	– 1
Junk	per ton	– 3	– 3
Juniper berries	per bag	– 1	– –½
Ivory black	per hogshead	– 2	2
Iron liquor	per butt, pipe	– 4	– 4
Ditto	per puncheon	– 2	– 2
Ironstone	per ton	– 1	– 1
Kelp	ditto	– 6	– 3
Kips (calf skins)	per dozen	– 1	– –½
Lead	per ton	– 6	– 6
Ditto, litharge of	ditto	– 6	– 6
Ditto, ore	ditto	– 6	– 6
Ditto, white, or red and black	per hogshead	– 4	– 4
Ditto - ditto	per barrel	– 2	– 2
Lathwood	per fathom	– 2	– 1
Laths	per 1,000	– 2	– 1
Linen, of all sorts	per pack or bale	– 4	– 2
Ditto	per chest or case	– 4	– 2
Ditto	per box & bundle	– 2	– 1
Ditto, loose	per 12 pieces	– 4	– 2
Lemons, exceeding 10,000 ins.	per chest	– 2	– 1
Ditto, not exceeding	per box	– 1	– –½
Ditto, loose	per 1,000	– 3	– 1½
Ditto, juice	per pipe	1 –	– 6
	per puncheon	– 6	– 3
Lignum vitæ	per ton	– 6	– 3
Linseed	per hogshead	– 4	– 2
Ditto	per tierce	– 3	– 1½
Ditto, loose, and in bags	per 100 bushels	1 4	– 8
Linseed cake	per ton	– 3	– 3
Lime	per chaldron	– 2	– 2
Ditto	per hogshead	– 2	– 2
Leather, tanned	per bale	– 4	– 2
Ditto	per bundle	– 1	– –½
Lard	per ton	1 –	– 6
Limestone	ditto	– 1	– 1
Lime	ditto	– 6	– 3
Linseed oil	per pipe	– 4	– 4
Ditto	per hogshead	– 2	– 2
Mahogany (40 cubic feet)	per ton	– 6	– 6
Ditto bedposts (50)	ditto	– 6	– 6
Marble (12 cubic feet)	per ton	– 6	– 6
Masts (above 12 in. diameter)	each	– 3	– 3
Ditto (8 and under 12)	–	– 2	– 2
Ditto (6 and under 8)	–	– 1	– 1
Molasses	per hogshead, punch. & tierce	– 2	– 2
Ditto	per pipe	– 4	– 4
Ditto	per barrel	– 1	– 1
Millstones	per ton	– 3	– 3
Ditto - manufactured	each	– 2	– 2
Mats (bass)	per 1,000	– 3	– 3
Madder	per hogshead	– 4	– 2
Ditto roots	per butt	– 8	– 4
Ditto	per bale	– 2	– 1
Ditto	per bag	– 1	– –½
Mules	each	– 2	– 1
Malt spirits, British	per puncheon or hogshead	– 2	– 2
Manganese	per ton	– 3	– 3
Munjeet	per bundle	– –½	– –¼
Mother-of-pearl shells	per cwt.	– 3	– 1½
Melons (as coker nuts)	per 100	– 6	– 6
Nuts	per barrel	– 2	– 1
Ditto	per bag	– 1	– 1
Ditto (coker)	per 100	– 6	– 6
Ditto (cocoa)	per bag	– 1	– –½
Natron	per ton	1 –	– 6
Oak timber	per ton of 40 feet	– 6	– 6
Ditto	per load of 50 feet	– 7½	– 7½
Ditto, planks of one inch	per 120	1 –	– 6
Ditto boat boards	per 100	– 6	– 6
Ditto knees	per 100	– 6	– 3
Ditto bark	per ton	– 6	– 6
Oxen	each	– 1	– 1
Oakum	per ton	– 3	– 3
Oars	per 120	– 6	– 6
Oziers for hoops	per load	– 4	– 4
Orchill	per cwt.	– 3	– 3
Onions	per basket	– –½	– –½
Ditto	per chest	– 4	– 2
Ditto	per bag	– 1	– –½
Ditto, loose	per bushel	– 1	– –½
Oatmeal	per ton	– 6	– 6
Ditto	per boll	– –½	– –½
Oil of olives	per butt and pipe	– 8	– 4
Ditto - sweet	per jar	– 3	– 3
Oil of palm	per leager	1 –	– 6
Ditto	per butt	– 8	– 4
Ditto	per puncheon	– 6	– 3
Ditto	per hogshead	– 4	– 2
Ditto	per tierce	– 3	– 1½
Ditto	per barrel	– 2	– 1
Oil of fish, or train	p' tun, old measure; new measure, ⅛ more	– 8	– 8
Ditto	per butt	– 8	– 4
Ditto	per puncheon	– 6	– 3
Ditto	per hogshead	– 4	– 2
Ditto	per tierce	– 3	– 1½
Ditto	per barrel	– 2	– 1
Oil, sweet	per chest	– 3	– 1½
Ditto	per bottle	– –	– –½
Oil of hempseed	per hogshead	– 2	– 2
Ditto linseed	ditto	– 2	– 2
Ditto rapeseed	ditto	– 2	– 2
Ditto	per pipe	– 4	– 4
Ditto turpentine	per puncheon	– 4	– 4
Ditto for salad	per jar	– 3	– 6
Oil cake	per ton	– 3	– 3
Oil, for painters, &c.	per jar or can	– –½	– –¼
Opium	per drum	– 1	—
Pine timber	per load	– 6	– 3
Ditto boards	per 120	– 6	– 6
Paling boards	ditto	– 6	– 6
Pasteboard	per bundle	– 1	– –½
Paper (12 reams)	per pack	– 2	– 2
Ditto	per load or ton	– 4	– 4
Ditto	per bale, small	– 1	– 1
Ditto (2 reams)	per bundle	– 1	– –½
Perry	per hogshead	– 2	– 2
Porter, in brewers' casks	per butt	– 3	– 3
Ditto	per hogshead	– 2	– 2
Ditto	per tierce	– 1½	– 1½
Ditto	per barrel	– 1	– 1
Ditto, bottled	as dry goods.		
Paint	per barrel	– 1	– 1
Ditto	per keg & carboy	– –½	– –½
Perfumery	per barrel	– 2	– 1
Peltry, or furs	per bale and hhd.	– 4	– 4
Ditto	per barrel	– 2	– 2
Prunes	p' 100 boxes, &c.	1 –	– 6
Plums	ditto	1 –	1 –

		Inwards.		Outwards.	
		s.	d.	s.	d.
Pepper, Malagata	per puncheon	–	6	–	6
Ditto	per barrel	–	2	–	2
Ditto	per bag	–	1	–	1
Ditto, East India	per pocket	–	–¼	–	–¼
Pipes	per box	–	1	–	–½
Pumice stones	per hogshead	–	2	–	2
Ditto	per ton	–	4	–	4
Pigs	each	–	–½	–	–½
Printers' liquors	per pipe or butt	–	4	–	4
Ditto	per hogshead	–	2	–	2
Pearl shells, mother of	per cwt.	–	3	–	1½
Quills	per bag	–	3	–	3
Ditto	per bale	–	4	–	4
Ditto	per case	–	4	–	2
Quicksilver	per bottle	–	–½	–	–½
Rum, brandy, &c.	per puncheon	–	8	–	4
Ditto	per piece	–	8	–	4
Ditto	per butt	1	–	–	6
Ditto	per pipe	1	–	–	6
Ditto	per hogshead	–	6	–	3
Ditto	per barrel	–	3	–	1½
Raisins	per 100 baskets	1	–	–	6
Ditto	per barrel	–	1	–	1
Ditto, 100 boxes, half boxes, quarter boxes, and drums		1	–	1	–
Rice	per tierce	–	3	–	1½
Ditto	per barrel	–	2	–	1
Ditto	per bag	–	1	–	–½
Rags	per ton	–	3	–	3
Rapeseed, 10 qrs. 1 last	per 100 bushels	1	4	–	8
Rosin	per ton	1	–	–	6
Rock moss	per barrel or bag	–	1	–	1
Roman vitriol	per ton	–	3	–	3
Reeds	per 1,000	–	2	–	1
Rattans	per 1,000	–	2	–	1
Salt, white (40 bush. 1 ton)	per 100 bushels	2	–	2	–
Ditto, white, coastways	ditto	1	–	1	–
Ditto, rock	ditto	1	4	1	4
Ditto, rock, coastways	ditto	–	8	–	8
Ditto, pans	per ton	1	–	–	6
Ditto, petre	per barrel	–	2	–	1
Ditto	per bag	–	–½	–	–½
Ditto, ashes	per ton	–	6	–	3
Sugar	per hogshead	–	4	–	2
Ditto	per tierce	–	6	–	1½
Ditto	per barrel	–	2	–	1
Ditto	per box	–	2	–	1
Ditto	per bag	–	1	–	–½
Ditto, refined, in lumps	for every 3 cwt.	–	2	–	1
Seeds for gardens	per sack	–	1	–	–½
Slates, small	per 1,000	–	1	–	1
Ditto (2,000)	per ton	–	2	–	2
Ditto, large	per 1,000	–	3	–	3
Soap	per hogshead	–	4	–	2
Ditto	per chest	–	2	–	1
Ditto, foreign	ditto	–	4	–	2
Ditto	per box	–	1	–	–½
Ditto, soft	per firkin	–	–¼	–	–¼
Ditto, lye ashes	per ton	–	3	–	3
Ditto, waste	ditto	–	1	–	1
Staves and heading	per 1,000	–	6	–	3
Spars	per 120	–	6	–	6
Spelter	per ton	–	6	–	3
Starch	per hogshead	–	4	–	2
Ditto	per chest	–	2	–	2
Skeets for ships, &c.	per dozen	–	1	–	1
Snake root	per truss or bale	–	4	–	2
Succades	per jar	–	–½	–	–½
Sand (for glass manufacture)	per ton	–	6	–	3
Sassafras	per cwt.	–	–½	–	–½
Sarsaparilla	per bundle	–	1	–	–½
Ditto	per bale	–	4	–	2
Shumack, in bags	per ton	–	6	–	6
in casks		–	3	–	1½
Steel	per bundle	–	–½	–	–½
Scythes and sickles	per bundle or doz.	–	–¼	–	–¼
Ditto (of 25 dozen) ditto	per pack or bale	–	5	–	5
Skinners' waste	per ton	–	6	–	3
Sand	ditto	–	1	–	1
Scythe stones	per 100 dozen	–	3	–	1½
Ditto	per load	–	4	–	4
Seahorse teeth	per cwt.	–	2	–	2
Shruff, old	per ton	–	3	–	3
Silversmiths' sand	per tierce	–	1½	–	1½
Stone bottles of marine acid or spirits of salt, from Ireland	each	–	–½	–	–½
Smiths' bellows	each	–	1	–	1
Scale boards	per bundle	–	–½	–	–½
Sucus liquorita	per chest	–	4	–	2
Seal skins	per dozen	–	–½	–	–½

		Inwards.		Outwards.	
		s.	d.	s.	d.
Skins, squirrels' (of 40 skins)	per timber	–	–½	–	–½
Skins, sheep	per dozen	–	–½	–	–½
Ditto, dressed in lime	per ton	–	6	–	3
Skins, calf	per dozen	–	1	–	–½
Skins, deer	per butt	–	8	–	4
Ditto	per puncheon	–	6	–	3
Ditto	per hhd. or bale	–	4	–	2
Ditto	per barrel	–	2	–	1
Ditto (say dog skins)	per dozen	–	1	–	–½
Ditto, of deer	per 100	–	3	–	–½
Skins, fox	per dozen	–	–½	–	1½
Skins, goat	per hogshead	–	4	–	2
Ditto	per bundle or doz.	–	1	–	1
Skins, hares	per hogshead	–	6	–	3
Ditto, kipps or calves	per dozen	–	1	–	–½
Ditto, lamb or kids	per hogshead	–	4	–	2
Ditto, seals	per dozen	–	–½	–	–½
Ditto, rabbit or racoon	per hogshead	–	6	–	3
Ditto, chinchilli	per hhd. or bale	–	4	–	2
Sheep	per score	–	4	–	4
Sheep horns	per ton	–	2	–	2
Ditto	per 1,000	–	1	–	1
Skinners' waste	per ton	–	6	–	3
Skips of cotton	double, each	–	2	–	2
Ditto	single, each	–	1	–	1
Sacks, new	per bundle	–	1	–	–½
Stone, lime	per ton	–	1	–	1
Ditto, Portland	ditto	–	1	–	1
Slates	per puncheon	–	6	–	3
Ditto	per hogshead	–	4	–	2
Ditto	per barrel	–	2	–	1
Stone, Portland granite flag	per ton	–	1	–	1
Smart sticks	per 1,000	–	2	–	1
Slime, yellow	per ton	–	3	–	3
Shells, mother of pearl	ditto	5	–	2	6
Tallow	per cwt.	–	3	–	1½
Ditto	per ton	5	–	2	6
Tar or pitch, 12 bls.	per last	2	–	1	–
Ditto	per barrel	–	2	–	1
Turpentine, spirits	per puncheon	–	4	–	4
Turpentine	per tierce	–	3	–	1½
Ditto	per barrel	–	2	–	1
Timber, fir	per load or ton	–	6	–	3
Ditto, wainscot boards	per 120	–	6	–	3
Turnips	per ton	–	4	–	4
Tobacco	per hogshead	–	4	–	2
Ditto, manufactured, in trusses	per score	–	4	–	4
Tin, manufactured	per box	–	–¼	–	–¼
Ditto, block	per ton	–	3	–	3
Treenails	per 1,000	–	2	–	2
Tanners' waste	per ton	–	3	–	3
Skinners' waste	ditto	–	6	–	3
Ditto, say tanners' waste	per hogshead	–	2	–	2
Trees	per bundle	–	–½	–	–½
Tortoiseshell	per cwt.	–	3	–	3
Tow	per ton	–	6	–	6
Ditto	per bag	–	1	–	1
Tea	per quarter chest	–	–½	–	–½
Tiles	per 1,000	–	4	–	4
Tiles, paving	ditto	–	8	–	8
Teak wood	per load, 50 feet	–	7½	–	7½
Ufers	per 120	–	6	–	3
Valonia	per bag or sack of 1 cwt.	–	1	–	–½
Vitriol (suppose oil of)	per bottle	–	–½	–	–½
Ditto, earth	per ton	–	3	–	3
Wine	per pipe	1	–	–	6
Ditto	per leagar	1	–	–	6
Ditto	per hogshead	–	6	–	3
Ditto	per alm	–	3	–	1½
Ditto	per hamper	–	–½	–	–½
Ditto, in bottles	per case	–	4	–	4
Ditto, coastways	per pipe	–	6	–	6
Ditto - ditto	per hogshead	–	3	–	3
Wool, raw	per pack	–	4	–	4
Ditto, sheeps'	per ballot	–	2	–	2
Whalebone or fins	per ton	1	–	–	6
Whiting	per hogshead	–	2	–	2
Ditto	per ton	–	4	–	4
Wood, acid	per puncheon	–	4	–	4
Ditto	per barrel	–	2	–	2
Ditto	per 100 gallons	–	2	–	–
Wainscot boards	per 120	–	6	–	3
Yarn, linen	per truss	–	6	–	3
Ditto, bay (woollen)	per pack	–	4	–	2
Ditto (foreign)	per vatt	–	8	–	4
Ditto (cotton, &c.)	per pack	–	4	–	2
Yeast	per cask	–	3	–	3
Yellow shine	per ton	–	3	–	3

2 July 1856.

Wm. Shuttleworth,
Town Clerk of Liverpool.

COPY of Book of Rates, made out about the Year 1827.

		Inwards.		Outwards.	
		s.	d.	s.	d.
Ashes of fern, &c.	per 100 bushels	1	4	–	8
Ditto, pot, pearl, &c.	per barrel	–	2	–	1
Ditto, (Russian)	per fatt	–	6	–	3
Alabaster	per ton	–	2	–	2
Alum	-	–	4	–	4
Ditto	per hogshead	–	4	–	2
Apples	- ditto	–	3	–	1½
Ditto	per barrel	–	1	–	–½
Ditto	per bag	–	1	–	–½
Ditto, loose	per bushel	–	–½	–	–¼
Argol	per tierce	–	3	–	1½
Ale, in brewers' casks	per butt	–	3	–	3
Ditto	per hogshead	–	2	–	2
Ditto	per barrel	–	1	–	1
Ditto, bottled	per tierce	–	3	–	1½
Ditto	per barrel	–	2	–	1
Anchovies (16 lbs. per barrel)	per 12 barrels	–	1	–	1
Aloes	per ghead	–	1	–	1
Arms	per chest	–	2	–	2
Annatto	per hogshead	–	4	–	2
Ditto	per tierce	–	3	–	1½
Ditto	per barrel	–	2	–	1
Antimony (regulus or ore of)	per box, 100 lbs.	–	1	–	1
Almonds	per barrel	–	2	–	1
Ditto	per box or bag	–	1	–	1
Alva marina	per bale or bag	–	2	–	2
Bacon	per ton	1	–	–	6
Beef or pork	per tierce	–	1½	–	1½
Ditto	per barrel	–	1	–	1
Brimstone, rough	per hogshead	–	4	–	2
Ditto - loose	per ton	–	6	–	3
Ditto - refined, in boxes	ditto	1	–	–	6
Bricks	ditto	–	1	–	1
Ditto, common	per 1,000	–	1	–	1
Ditto, fire	-	-		–	4
Butter	per ton	1	–	–	6
Bullrushes	per bundle	–	–½	–	–½
Ditto, per load of	per 63 bundles	–	6	–	6
Barilla	per ton	1	–	–	6
Bran	per 100 bundles	–	8	–	4
Ditto	per ton	–	3	–	3
Burr stones, at 28 lbs. each	ditto	–	3	–	3
Beech boards	per 100	–	4	–	4
Bees' wax	per tierce	–	3	–	3
Ditto	per barrel	–	2	–	2
Ditto, loose	per ton	1	–	1	–
Battens	per 100	–	6	–	3
Balks, fir, 5 and under 8 inches diameter	ditto	1	–	–	6
Brooms	per dozen	–	–¼	–	–¼
Baskets	- ditto	–	–½	–	–½
Barley (shelled)	per ton	–	6	–	6
Bark, druggists'	per chest	–	4	–	2
Ditto	per bale	–	2	–	2
Ditto, for tanners	per ton	–	6	–	6
Ditto, quercitron, &c.	per hogshead	–	4	–	2
Bones	per 1,000	–	2	–	1
Ditto	per ton	–	2	–	1
Bags, new	per bundle	–	1	–	–½
Ditto, loose	per 100	–	2	–	1
Brass, foreign	per ton	1	–	–	6
Blocks, wooden, loose	per 100	-		–	3
Blubber and oil	per tun, old measure	–	8	–	8
Berries, yellow	per bag or bale	–	2	–	1
Balsam of Peru	per jar	–	1	–	–½
Bath bricks	per ton	–	1	–	1
Bottles, loose	per 100 dozen	1	–	–	6
Ditto	packed as dry goods	—		—	
Brandy	per butt and pipe	1	–	–	6
Ditto	per piece	–	8	–	4
Ditto	per puncheon	–	8	–	4
Ditto	per hogshead	–	6	–	3
Ditto	per barrel	–	3	–	1½
Berries, juniper	per bag	–	1	–	–½
Brush heads	per dozen	–	–¼	–	–¼
Bellows, pair	per pair	–	1	–	1
Cows and calves	each	–	1	–	1
Cows' shanks or bones	per 1,000	–	2	–	1
Ditto horns	per 100	–	1	–	–½
Ditto hoofs	per 1,000	–	1	–	–½
Ditto hair	per hogshead	–	4	–	2
Ditto ditto	per bag	–	1	–	–½
Calf skins	per dozen	–	1	–	–½

		Inwards.		Outwards.	
		s.	d.	s.	d.
Calf velves	per hogshead	–	2	–	2
Ditto	per tierce	–	1½	–	1½
Ditto	per barrel	–	1	–	1
Calamine	per ton	–	3	–	3
Clay, pipe	ditto	–	3	–	3
Ditto, Sutton, for copper works	ditto	–	1	–	1
China stone	ditto	–	1	–	1
Copper ore	ditto	–	6	–	6
Ditto, manufactured	ditto	–	6	–	6
Copperas	ditto	–	6	–	3
Ditto	per hogshead	–	4	–	2
Cheese (*see* forward)	per ton	–	6	–	6
Cotton	per bale and bag	–	2	–	1
Ditto	per seron and pocket	–	1½	–	1
Ditto	per ballot	–	1	–	–½
Coffee	per butt	–	8	–	4
Ditto	per puncheon	–	6	–	3
Ditto	per hogshead	–	4	–	2
Ditto	per tierce	–	3	–	1½
Ditto	per barrel	–	2	–	1
Ditto	per bag	–	1	–	–½
Coals, loose	per chaldn., W.M.	–	2¾	–	2¾
Ditto	per ton	–	2	–	2
Coals, cannel	ditto	–	2	–	2
Charcoal	ditto	–	3	–	3
Ditto - dust	per hogshead	–	2	–	2
Ditto	per barrel	–	1	–	1
Cochineal	per cwt.	–	3	–	3
Corkwood	per ton	1	–	–	6
Corks	per bag	–	1	–	–½
Cardwine cases (for Africa)	each	-		–	–½
Chalk	per ton	–	2	–	2
Corn, of all sorts	per 100 bushels	1	4	–	8
Currants	per butt	–	8	–	4
Ditto	per caroteel	–	3	–	1½
Candles	per box	–	1	–	–½
Candlewick	per bag	–	–½	–	–½
Cyder	per hogshead	–	2	–	2
Ditto	per tierce	–	1½	–	1½
Ditto	per barrel	–	1	–	1
Caperwans	per 1,000	–	2	–	1
Cordage, new	per ton	1	–	–	6
Cream of tartar	per hogshead	–	4	–	2
Ditto	per tierce	–	3	–	1½
Chairs, Windsor, &c.	per dozen	–	1	–	1
Clapp boards	per 100	–	7	–	7
Carriages of all descriptions	each	–	6	–	6
Cassia fistula	per ton	–	10	–	10
Cinders	ditto	–	2	–	2
Cherb stones	ditto	–	1	–	1
Cord wood	ditto	–	3	–	3
Ditto	per load of 250 yards	–	7½	–	7½
Compounds (British spirits)	per punc. or hhd.	–	2	–	2
Carrots	per ton	–	4	–	4
Crate wood	per load 400 yds.	–	6	–	3
Coals in casks	per puncheon	–	6	–	3
Ditto	per hogshead	–	4	–	2
Ditto	per barrel	–	2	–	1
Casks, in shakes or packs	per hhd., punc., tierce	-		–	–½
Ditto - ditto	per barrel	-		–	–¼
Cheese, loose	per ton	–	6	–	6
Cheese, in packages	per box or chest	–	1	–	1
Ditto	per hamper	–	1	–	–½
Cane reeds	per 1,000	–	2	–	1
Cotton yarn	per bale	–	4	–	2
Cement	per barrel	–	2	–	1
Dry goods	per butt	–	4	–	4
Ditto	per puncheon	–	3	–	3
Ditto	per hogshead	–	4	–	2
Ditto	per case or chest	–	4	–	2
Ditto	per bale	–	4	–	2
Ditto	per tierce	–	3	–	1½
Ditto	per barrel	–	2	–	1
Ditto	per box	–	2	–	1
Ditto	per truss	–	2	–	1
Ditto	per hamper	–	–½	–	–½
Deals	per 120	1	–	–	6
Deal ends (3 to a deal)	ditto	–	4	–	4
Dyeing wood of every kind	per ton	–	6	–	3
Earthenware	per load	–	4	–	4
Ditto	per crate	–	2	–	2
Ditto	per hogshead	–	4	–	2
Ditto	per puncheon	–	6	–	3
Emery	per ton	–	6	–	3

		Inwards.	Outwards.
		s. d.	s. d.
Ebony	per ton	– 6	– 3
Elephants' teet	ditto	1 –	– 6
Eggs, loose	per 1,000	– 2	– 2
Ditto	per crate	– 10	– 10
Feathers	per bag	– 3	– 3
Ditto	per bed	– 3	– 3
Ditto, St. Kilda	per bag, small	– 1	– 1
Fish, salted or dry	per ton	1 –	– 6
Ditto, salmon (8 kitts per brl.)	per barrel	– 1	– 1
Ditto	per tierce	– 1½	– 1½
Ditto	per hogshead	– 2	– 2
Flax	per ton	1 –	– 6
Flour	per barrel	– 1	– 1
Ditto	per sack	– –½	– –½
Ditto	per ton	– 6	– 6
Figs, in frails	per 100	1 –	1 –
Ditto, tapnetts	ditto	1 –	1 –
Firewood	per fathom	– 2	– 2
Ditto	per ton	– 1	– 1
Furriers' waste	ditto	– 6	– 3
Fullers' earth	ditto	– 6	– 3
Felt, patent	per package	– 1	– 1
Fire bricks	per 1,000	– 4	– 4
Flag stones	per ton	– 1	– 1
Flax seed	per hogshead	– 4	– 2
Ditto	per tierce	– 3	– 1½
Ditto, loose and in bags	per 100 bushels	1 4	– 8
Glass bottles, loose	per 100 dozen	1 –	– 6
Ditto, packed, as "dry goods"	—	—	—
Ditto, window, per box of 16 inches square		– –½	– –½
Ginsang	per cwt.	– 3	– 1½
Galls	per sack	– 2	– 1
Ditto	per bag	– 2	– 1
Gunpowder	per barrel	– 1	– –½
Gun stocks	per 1,000	– 1	– 1
Grinding stones	per load	– 4	– 4
Ditto	per chaldron	– 2	2
Grapes	per jar, or box, or pot	– 3	– 3
Ginger	per bag	– 1	– –½
Geneva	per piece	– 8	– 4
Gypsum	per ton	– 6	– 3
Granite stone	ditto	– 1	– 1
Grain	per puncheon	– 6	– 3
Ditto	per hogshead	– 4	– 2
Ditto	per barrel	– 2	– 1
Hemp	per ton	1 –	– 6
Ditto seed	per hogshead	– 4	– 2
Ditto, loose	per 100 bushels	1 4	– 8
Herrings	per barrel	– 1	– 1
Ditto	per 1,000	– 1	– 1
Ditto (2 mace to a barrel)	per mace	– –½	– –½
Hides, tanned	per bundle	– 1	– 1
Ditto, raw, or in the hair	each	– 1	– –½
Ditto, cows'	ditto	– 1	– –½
Hops	per bag	– 3	– 3
Ditto	per pocket	– 2	– 2
Hazel rods	per 1,000	– 1	– –½
Ditto	per load	– 2	– 2
Hair	per bale	– 2	– 2
Ditto	per bundle	– 1	– –½
Horn (say seugs)	per ton	– 3	– 3
Ditto tips	per 1,000	– 1	– –½
Horns, ditto	per 100	– 1	– 1
Hatters' dregs, &c.	per pipe or butt	– 4	– 4
Ditto	per puncheon	– 2	– 2
Handspikes	per 1,000	– 6	– 3
Hoops, wooden (2 m. to a load)	per load	– 4	– 2
Ditto	per 1,000	– 2	– 1
Hay	per ton	– 6	– 3
Horses	each	– 2	– 2
Hogs' lard	per ton	1 –	– 6
Honey	per barrel	– 2	– 1
Ditto	per keg	– 1	– –½
Iron, in bars, rods, or wrought	per ton	1 –	– 6
Ditto – ditto – coastways	ditto	– 6	– 6
Ditto, in pigs	ditto	– 6	– 3
Ditto ditto, coastways	ditto	– 3	– 3
Ditto, cast, or pots	ditto	– 6	– 3
Ditto – ditto – coastways	ditto	– 3	– 3
Ditto plates	per pipe	– 6	– 6
Ditto ore	per ton	– 3	– 3
Indigo	per seron	– 3	– 1½
Ditto	per barrel	– 2	– 1
Ditto	per box	– 2	– 1
Junk	per ton	– 3	– 3
Juniper berries	per bag	– 1	– –½
Ivory black	per hogshead	– 2	– 2

		Inwards.	Outwards.
		s. d.	s. d.
Iron liquor	per butt or pipe	– 4	– 4
Ditto	per puncheon	– 2	– 2
Indigo, East India	per chest	– 4	– 2
Ditto	per bale	– 4	– 2
Ironstone	per ton	– 1	– 1
Iron machinery	ditto	1 –	– 6
Ditto – coastways		– 6	– 6
Kelp	per ton	– 6	– 3
Lead	per ton	– 6	– 6
Ditto (litharge)	ditto	– 6	– 6
Ditto ore	ditto	– 6	– 6
Ditto, white or red	per hogshead	– 4	– 4
Ditto – ditto	per barrel	– 2	– 2
Lathwood	per fathom	– 2	– 1
Laths	per 1,000	– 2	– 1
Linens of all sorts	per pack or bale	– 4	– 2
Ditto, loose, say	9 pieces to ditto (In 1821 12 pieces per bale.)		
Ditto	per box or bundle	– 2	– 1
Lemons	per chest	– 2	– 1
Ditto	per box	– 1	– –½
Ditto juice	per pipe	1 –	– 6
Ditto	per puncheon	– 6	– 3
Lignum vitæ	per ton	– 6	– 3
Linseed	per hogshead	– 4	– 2
Ditto	per tierce	– 3	– 1½
Ditto, loose	per 100 bushels	1 4	– 8
Lime	per chaldron	– 2	– 2
Ditto	per hogshead	– 2	– 2
Leather, tanned	per bale	– 4	– 2
Ditto	per bundle	– 1	– –½
Linseed cake	per ton	– 3	– 3
Lard	ditto	1 –	– 6
Limestone	ditto	– 1	– 1
Mahogany, of 40 solid feet	per ton	– 6	– 6
Ditto bedposts, of 50	ditto	– 6	– 6
Marble, of 12 solid feet	ditto	– 6	– 6
Masts, above 12 in. diameter	each	– 3	– 3
Ditto, 8 and under 12	each	– 2	– 2
Ditto, 8 and above 6	each	– 1	– 1
Molasses	per hogshead	– 2	– 2
Ditto	per tierce	– 2	– 2
Ditto	per puncheon	– 2	– 2
Ditto	per pipe	– 4	– 4
Mill stones	per ton	– 3	– 3
Ditto	each	– 2	– 2
Matts (bass)	per 1,000	– 3	– 3
Madder	per hogshead	– 4	– 2
Ditto (root)	per bale	– 2	– 1
Ditto ditto	per bag	– 1	– –½
Mules	each	– 2	– 1
Malt spirits	per puncheon	– 2	– 2
Manganese	per ton	– 3	– 3
Munjeet	per bundle	– –½	– –½
Nuts	per barrel	– 2	– 1
Ditto	per bag	– 1	– 1
Ditto, coker	per 100	– 6	– 6
Natron (from Egypt, barilla)	per ton	1 –	– 6
Oak timber, 40 feet	per ton	– 6	– 6
Ditto – 50 feet	per load	– 7½	– 7½
Ditto, planks of 1 inch	per 120	1 –	– 6
Ditto, or boat boards	per 100	– 6	– 6
Ditto knees	ditto	– 6	– 3
Ditto bark	per ton	– 6	– 6
Oxen	each	– 1	– 1
Oakum	per ton	– 3	– 3
Oars	per 120	– 6	– 6
Osiers for hoops	per load	– 4	– 4
Orchill	per cwt.	– 3	– 3
Onions	per basket	– –½	– –½
Oatmeal (2 bolls 1 quarter)	per 100 bushels	1 4	– 8
Ditto (140 lbs.) s.	per boll	– –½	– –½
Ditto (240 lbs. per load)	—	—	—
Ditto	per ton	– 6	– 6
Oil of olives, &c., per butt	pipe or ton	– 8	– 4
Ditto, &c.	per jar	– 3	– 3
Ditto	per legar	1 –	– 6
Oil of Palma, &c.	per butt	– 8	– 4
Ditto	per puncheon	– 6	– 3
Ditto	per hogshead	– 4	– 2
Oil of fish, or train	per ton	– 8	– 4
Ditto	per butt	– 8	– 4
Ditto	per puncheon	– 6	– 3
Ditto	per hogshead	– 4	– 2
Ditto	per barrel	– 2	– 1
Ditto	per tierce	– 3	– 1½
Oil, sweet, in chests	each	– 3	– 1½
Ditto – in bottles	each	– –½	– –½

		Inwards.	Outwards.
		s. d.	s. d.
Oil, hempseed	per hogshead	– 2	– 2
Ditto, linseed	ditto	– 2	– 2
Ditto, cake	per ton	– 3	– 3
Ditto, rapeseed	per hogshead	– 2	– 2
Ditto, salad	in jars	– 3	– 3
Ditto, rapeseed	per pipe	– 4	– 4
Oil of turpentine	per puncheon	– 4	– 4
Pine board	per 120	– 6	– 6
Pealing board	ditto	– 6	– 6
Pasteboard	per bundle	– 1	– –½
Paper (of 12 reams)	per pack	– 2	– 2
Ditto	per load or ton	– 4	– 4
Ditto	per bale, small	– 1	– 1
Ditto (2 reams)	per bundle	– –½	– –½
Perry	per hogshead	– 2	– 2
Porter	per butt	– 3	– 3
Ditto	per hogshead	– 2	– 2
Ditto (bottled ditto, inwards)	per tierce	– 1½	– 1½
Ditto	per barrel	– 1	– 1
Ditto	per kilderkin	– –½	– –½
Paint	per barrel	– 1	– 1
Ditto	per keg	– –½	– –½
Ditto	per carboy	– –½	– –½
Potatoes (1 ton is 40 bushels)	per 100 bushels	1 –	1 –
Ditto	hampers	– –½	– –½
Perfumery	per barrel	– 2	– 1
Peltry or furs	per bale or hhd.	– 4	– 4
Ditto	per barrel	– 2	– 2
Prunes	per box	– –¼	– –¼
Plums	ditto	– –½	– –½
Pepper (Malagatæ)	per puncheon	– 6	– 6
Ditto	per barrel	– 2	– 2
Ditto	per bag	– 1	– 1
Pipes	per box	– –½	– 1
Pumice stones	per hogshead	– 2	– 2
Ditto	per ton	– 4	– 4
Pigs	each	– –½	– –½
Printers' liquors (*see* Hatters' dregs)	pipe, or butt, or puncheon	– 4	– 4
Pearl shells	per ton	5 –	2 6
Pork. *See* Beef.			
Portland stone	ditto	– 1	– 1
Pitch, for last, 2 *s.* and 1 *s.*	per barrel	– 2	– 1
Propwood	per load of 250 yards	– 7½	– 7½
Pork	per tierce	– 1½	– 1½
Ditto	per barrel	– 1	– 1
Pitch	ditto	– 2	– 1
Portland stone	per ton	– 1	– 1
Pimento	per barrel	– 2	– 1
Ditto	per bag	– 1	– –½
Propwood (250 yards)	per load	– 7½	– 7½
Paddy (rough rice)	per sack	– 1	– –½
Palm oil. *See* Oil of Palm.			
Pozzuolum earth	per ton	– 3	– 3
Quills	per bag	– 3	– 3
Ditto	per bale	– 4	– 4
Ditto, dressed	per case	– 4	– 2
Quicksilver	per bottle	– –½	– –½
Rum, brandy, &c.	per puncheon and tierces	– 8	– 4
Ditto	per butt pipe	1 –	– 6
Ditto	per hogshead	– 6	– 3
Ditto	per barrel	– 3	– 1½
Ditto, &c. bottled, as "dry goods"	—	—	—
Raisins	per barrel	–	– 1
Ditto, in boxes	per 100	1 –	1 –
Ditto, in half boxes			
Ditto, in quarter boxes, baskets, drums, &c.			
Rice	per tierce	– 3	– 1½
Ditto	per barrel	– 2	– 1
Ditto	per bag	– 1	– –½
Ditto, rough or paddy	–	– 1	– –½
Ditto, sack of 4 bushels, loose			
Rags	per ton	– 3	– 3
Rapeseed	per 100 bushels	1 4	– 8
Rosin	per ton	1 –	– 6
Ditto	per barrel	– 2	– 1
Rock moss	per bag or bundle	– 1	– 1
Ditto	per bale	– 2	– 1
Roman vitriol	per ton	– 3	– 3
Reeds	per 1,000	– 2	– 1
Rattans	ditto	– 2	– 1
Rapeseed oil	per pipe	– 4	– 4
Ditto	per hogshead	– 2	– 2
Salt, white	per 100 bushels	2 –	2 –
Ditto, coastways	ditto	1 –	1 –
Ditto, rock	ditto	1 4	1 4
Ditto, coastways	ditto	– 8	– 8
Ditto, pans	per ton	1 –	– 6
Saltpetre	per barrel	– 2	– 1
Ditto	per bag	– –½	– –½
Salt ashes	per ton	– 6	– 3
Sugar, chest	per chest	– 4	– 2
Ditto	per hogshead	– 4	– 2
Ditto	per tierce	– 3	– 1½
Ditto	per barrel	– 2	– 1
Ditto	per box	– 2	– 1
Ditto	per bag	– 1	– –½
Ditto, refined, in lumps (Ditto - ditto, loose)	per 3 cwt.	– 2	– 1
Ditto candy	per box	– –½	– –½
Seeds for gardens	per sack	– 1	– –½
Staves and heading	per 1,000	– 6	– 3
Spars	per 120	– 6	– 6
Spelter	per ton	– 6	– 3
Soap	per hogshead	– 4	– 2
Ditto, foreign	per chest	– 4	– 2
Ditto, British	ditto	– 2	– 1
Ditto, ditto	per box	– 1	– –½
Ditto, soft	per firkin	– –¼	– –¼
Ditto, lye ashes	per ton	– 3	– 3
Ditto, waste	ditto	– 1	– 1
Starch	per hogshead	– 4	– 2
Ditto	per chest	– 4	– 2
Sheets for ships, &c.	per dozen	– 1	– 1
Snake root	per truss & bale	– 4	– 2
Succades	per jar, bottle	– –½	– –¼
Ditto	per box or barrel	– 2	– 1
Sand, for glassmen	per ton	– 6	– 3
Ditto, common	ditto	– 1	– 1
Sassafras	per cwt.	– –½	– –½
Sarsaparilla	per bale	– 4	– 2
Ditto	per bundle	– 1	– –½
Sumach, in casks	each	– 3	– 1½
Ditto, in bags	per ton	– 6	– 6
Steel	per bundle	– –½	– –½
Scythes or sickles	per bundle or dozen	– –¼	– –¼
Ditto (25 dozen)	per bale or pack	– 5	– 5
Skinners' waste	per ton	– 6	– 3
Scythe stones	per 100 dozen	– 3	– 1½
Ditto	per load	– 4	– 4
Seahorse teeth	per cwt.	– 2	– 2
Shruff, old	per ton	– 3	– 3
Stone bottles of marine acid, or spirits of salt, from Ireland	each	– –½	– –½
Smiths' bellows	each	– 1	– 1
Scaleboards	per bundle	– –½	– –½
Succus liquoritæ	per chest	– 4	– 2
Sealskins	per dozen	– –½	– –½
Skins, squirrels'	per timber (40)	– –½	– –½
Ditto, sheep	per dozen	– –½	– –½
Ditto, dressed in lime	per ton	– 6	– 3
Ditto, calf	per dozen	– 1	– –½
Skins, deer	per butt	– 8	– 4
Ditto	per puncheon	– 6	– 3
Ditto	per hogshead and bale	– 4	– 2
Ditto	per barrel	– 2	– 1
Ditto, loose	per 100	– 3	– 1½
Skins, dog	per dozen	– 1	– –½
Skins, fox	ditto	– –½	– –½
Skins, goat	per hogshead	– 4	– 2
Ditto	per bundle	– 1	– 1
Skins, hare	per hogshead	– 6	– 3
Ditto, lamb and kid	ditto	– 4	– 2
Ditto, seal	per dozen	– –½	– –½
Ditto, rabbit or racoon	per hogshead	– 6	– 3
Ditto, chinchilli	per hhd. or bale	– 4	– 2
Sheep	per score	– 4	– 4
Sheep's horns	per ton	– 2	– 2
Ditto	per 1,000	– 1	– 1
Skips of cotton twist, &c.	double, each	– 2	– 2
Ditto	single, each	– 1	– 1
Slates	per ton	– 2	– 2
Stone, Portland, lime, &c.	ditto	– 1	– 1
Ditto, granite, flag, &c.	ditto	– 1	– 1
Smart sticks	per 1,000	– 2	– 1
Shells, mother of pearl	per cwt.	– 3	– 1½
Slime, yellow	per ton	– 3	– 3
Shells, tortoise or turtle	per cwt.	– 3	– 1½
Sacks, new	per bundle	– 1	– –½
Silk, raw	per bale	– 4	– 2
Ditto	per ballott	– 2	—
Spirits of turpentine	per puncheon	– 4	– 4
Sawdust	per bag	– –¼	– –¼
Ditto, loose	per ton	– 3	– 3
Saffiower	per bale	– 4	– 2
Sapan wood (dye)	per ton	– 6	– 3
Squills, loose	ditto	– 6	—
Tallow, composition	per cwt.	– 1	– 1
Tar and pitch	per barrel	– 2	– 1

		Inwards.	Outwards.			Inwards.	Outwards.
		s. d.	s. d.			s. d.	s. d.
Turpentine	per tierce	– 3	– 1½	Vitriol, Roman	per bottle	– –½	– –½
Ditto	per barrel	– 2	– 1	Vitriol, bottled	as dry goods.	—	—
Ditto, spirits of	per puncheon	– 4	– 4				
Timber, oak and teak	per load	– 7½	– 7½	Wine	per pipe	1 –	– 6
Ditto, pine and fir	ditto	– 6	– 3	Ditto	per leager	1 –	– 6
Turnips	per ton	– 4	– 4	Ditto	per hogshead	– 6	– 3
Tobacco	per hogshead	– 4	– 2	Ditto	per alm	– 3	– 1½
Ditto, manufactured, in trusses	per 20	– 4	– 4	Ditto	per case	– 4	– 2
Tin, manufactured	per box	– –¼	– –¼	Wool, raw	per pack	– 4	– 4
Tin, block	per ton	– 3	– 3	Ditto, seron, or	per ballot	– 2	– 2
Treenails	per 1,000	– 2	– 2	Whalebone, or fins	per ton	1 –	– 6
Tanners' waste	per ton	– 3	– 3	Whiting	per hogshead	– 4	– 2
Ditto	per hogshead	– 2	– 2	Ditto	per ton	– 4	– 4
Trees	per bundle	– –½	– –½	Ditto	per bag	– 1	– –½
Tortoise and turtle shell	per cwt.	– 3	– 1½	Wood acid	per puncheon	– 4	– 4
Tow	per ton	– 6	– 6	Ditto	per barrel	– 2	– 2
Ditto	per bag	– 1	– 1	Ditto	per 100 gallons	– 2	—
Tea	per quarter chest	– –½	– –½	Wainscot boards	per 120	– 6	– 3
Chests, 250 lbs. each. Half chests, 110 to 130. Quarter chests, 60 to 80.				Ditto propwood ditto	250 ditto	– 7½	– 7½
				Wheelbarrows	each	– 2	– 2
				Waggons	ditto	– 6	– 6
Tiles, common	per 1,000	– 4	– 4				
Ditto, paving	per 1,000	– 8	– 8	Yarn, linen	per truss	– 6	– 3
Teakwood	per load	– 7½	– 7½	Ditto, bay woollen	per pack	– 4	– 2
Truss hoops	per set	– 1	– –½	Ditto, foreign	per vatt	– 8	– 4
				Ditto, cotton	per pack	– 4	– 2
Ufers	per 120	– 6	– 3	Ditto	per double skip	– 2	– 2
				Ditto	per single skip	– 1	– 1
Valonia	per cwt.	– 1	– –½	Yeast	per cask	– 3	– 3
Ditto	per sack or bag	– 1	– –½	Yellow slime	per ton	– 3	– 3
Vitriol, Roman	per ton	– 3	– 3	Ditto berries	per bag or bale	– 2	– 1

2 July 1856.

Wm. Shuttleworth,
Town Clerk of Liverpool.

LIST of TOWN DUES received in 1854, being a Copy of the List delivered to the Commissioners for inquiring into the Local Charges on Shipping.

		Inwards.	Outwards.			Inwards.	Outwards.
		s. d.	s. d.			s. d.	s. d.
Ashes of fern, &c.	100 bushels	1 4	– 8	Beech boards	100	– 4	– 4
Ditto, pot, pearl, &c.	barrel	– 2	– 1	Bees' wax	tierce	– 3	– 3
Ditto, Russia	fatt	– 6	– 3	Ditto	barrel	– 2	– 2
Alabaster	ton	– 2	– 2	Ditto, loose	ton	1 –	1 –
Alum	ton	– 4	– 4	Battens	100	– 6	– 3
Ditto	hogshead	– 4	– 2	Balks, fir, five inches and under			
Apples	hogshead	– 3	– 1½	eight inches diameter	100	1 –	– 6
Ditto	barrel or bag	– 1	– –½	Brooms	dozen	– –¼	– –¼
Ditto, loose	bushel	– –½	– –¼	Baskets	ditto	– –½	– –½
Argol	hogshead	– 4	– 2	Barley (composition)	100 bushels	1 –	– 6
Ditto	tierce	– 3	– 1½	Barley (shelled)	ton	– 6	– 6
Ale, in brewers' casks	butt	– 3	– 3	Bark (druggists')	chest	– 4	– 2
Ditto	hogshead	– 2	– 2	Bark (druggists')	bale	– 2	– 2
Ditto	barrel	– 1	– 1	Ditto (tanners')	ton	– 6	– 6
Ale, bottled, as dry goods	—	—	—	Ditto, quercitron	hogshead	– 4	– 2
Anchovies (16 lbs. per brl.)	12 barrels	– 1	– 1	Bones	1,000	– 2	– 1
Aloes	gourd	– 1	– 1	Ditto	ton	– 2	– 1
Arms	chest	– 2	– 2	Ditto, calcined	ton	– 3	– 1½
Annatto	hogshead	– 4	– 2	Bags, new	bundle	– 1	– –½
Ditto	tierce	– 3	– 1½	Ditto, loose (200 one bale)	100	– 2	– 1
Ditto	barrel	– 2	– 1	Brass, foreign	ton	1 –	– 6
Antimony, regulus or ore of	box of 100 lbs.	– 1	– 1	Blocks, loose	100	– 6	– 3
Ditto, loose	ton	– 6	– –	Blubber oil, old measure	ton	– 8	– 8
Asphaltum	ton	– 3	– 3	Ditto, new measure, one-fifth more.			
Almonds	barrel	– 2	– 1				
Ditto	box or bag	– 1	– 1	Berries, yellow	bag or bale	– 2	– 1
Alkanet root	bale	– 2	– 1	Balsam of Peru	jar	– 1	– –½
Alkanet root	bag	– 1	– –½	Bath bricks	ton	– 1	– 1
Alva marina	bale or bag	– 2	– 2	Boards, wainscot (*See* Wainscot)	120.	—	—
				Bottles, loose	100 dozen	1 –	– 6
Bacon	ton	1 –	– 6	Ditto, packed as "dry goods"		—	—
Beef or pork	tierce	– 1½	– 1½	Brandy	butt and pipe	1 –	– 6
Ditto	barrel	– 1	– 1	Ditto	piece puncheon	– 8	– 4
Brimstone, rough	hogshead	– 4	– 2	Ditto	hogshead	– 6	– 3
Ditto, rough, loose	ton	– 6	– 3	Ditto	barrel	– 3	– 1½
Ditto, refined, in boxes	ton	1 –	– 6	Ditto, bottled, as "dry goods"		—	—
Bricks	ton	– 1	– 1	Berries, juniper	bag	– 1	– –½
Ditto, common	per 1,000	– 1	– 1	Brush heads	dozen	– –¼	– –¼
Ditto, fire	ditto	– 4	– 4	Ditto	bundle	– 1	– –½
Butter	ton	1 –	– 6	Ditto handles	bundle	– –½	– –½
Bulrushes	bundle	– –½	– –½	Bellows	pair	– 1	– 1
Ditto	load of 63 bundles	– 6	– 6	Bows for oxen	dozen	– 1	– –½
Barilla	ton	1 –	– 6	Biscuit bread	ton	1 –	– 6
Bran	100 bushels	– 8	– 4	Beer, Dantzic black	12 kegs	– 2	– 1
Ditto	ton	– 3	– 3	Boxwood	ton	– 6	– 3
Burr stones (28 lbs. each)	ton	– 6	– 3	Barytes	tierce	– 3	– 1½

		Inwards.	Outwards.
		s. d.	s. d.
Boards (for soap boxes)	1,000	– 6	– 3
Blocks, wood, for pavement	100	– 3	—
Blue stone	ton	– 3	– 3
Buckets	dozen	– 1	– – ½
Cows and calves	each	– 1	– 1
Cow shanks or bones	1,000	– 2	– 1
Cow horns	100	– 1	– – ½
Cow hair	hogshead	– 4	– 2
Ditto	bag	– 1	– – ½
Cow hoofs	1,000	– 1	– – ½
Calf skins, composition, wet	cwt.	– 1	– 1
Ditto – ditto – dry	cwt.	– 2	– 2
Calf velves	hogshead	– 2	– 2
Ditto	tierce	– 1 ½	– 1 ½
Ditto	barrel	– 1	– 1
Calamine	ton	– 3	– 3
Clay, pipe	ton	– 3	– 3
Ditto, Sutton, for copper works	ton	– 1	– 1
China stone	ton	– 1	– 1
Copper ore (*see* also Ore)	ton	– 6	– 6
Ditto – manufactured	ton	– 6	– 3
Copperas	ton	– 6	– 3
Ditto	hogshead	– 4	– 2
Cheese, loose	ton	– 6	– 6
Cotton	bag or bale	– 2	– 1
Ditto	seron and pocket	– 1 ½	– 1
Ditto	ballot	– 1	– 1 ½
Coffee	butt	– 8	– 4
Ditto	puncheon	– 6	– 3
Ditto	hogshead	– 4	– 2
Ditto	tierce	– 3	– 1 ½
Ditto	barrel	– 2	– 1
Ditto	bag	– 1	– – ½
Coals, loose	chaldron, W. M.	– 2 ¾	– 2 ¾
Ditto	ton	– 2	– 2
Coals, cannel	ton	– 2	– 2
Charcoal	ton	– 3	– 3
Charcoal dust	hogshead	– 2	– 2
Ditto	barrel	– 1	– 1
Cochineal	cwt.	– 3	– 3
Corkwood	ton	1 –	– 6
Corks	bag	– 1	– – ½
Cardivine cases for Africa	each		– – ½
Chalk	ton	– 2	– 2
Corn of all sorts (but *see* Compositions)	100 bushels	1 4	– 8
Currants	butt	– 8	– 4
Ditto	carotell	– 3	– 1 ½
Ditto	box	– 1	– – ½
Ditto	barrel	– 1	– 1
Candles	box	– 1	– – ½
Candlewick	bag	– – ½	– – ½
Cyder	pipe	– 4	– 4
Ditto	puncheon	– 3	– 3
Ditto	hogshead	– 2	– 2
Ditto	tierce	– 1 ½	– 1 ½
Ditto	barrel	– 1	– 1
Caperevans	1,000	– 2	– 1
Cordage, new	ton	1 –	– 6
Cream of tar	hogshead	– 4	– 2
Ditto	tierce	– 3	– 1 ½
Chairs, Windsor, &c.	dozen	– 1	– 1
Clapp boards	100	– 7	– 7
Carriages of all descriptions	each	– 6	– 6
Carts	each	– 3	– 3
Cassia fistula	ton	– 10	– 10
Cinders	ton	– 2	– 2
Chert stones	ton	– 1	– 1
Cordwood	ton	– 3	– 3
Ditto	load of 250 yards	– 7 ½	– 7 ½
Compounds (British spirits)	puncheon or hhd.	– 2	– 2
Carrots	ton	– 4	– 4
Cratewood	load of 400 yards	– 6	– 3
Cane reeds	1,000	– 2	– 1
Coal in casks	puncheon	– 6	– 3
Ditto	hogshead	– 4	– 2
Ditto	barrel	– 2	– 1
Cement	barrel	– 2	– 1
Ditto	half barrel	– 1	– – ½
Ditto	sack	– 1	– – ½
Casks, in shakes or packs	hogsheads, puncheons, tierces		– – ½
Ditto	barrel	– – ½	– – ¼
Cheese in packages	box or chest	– 1	– 1
Ditto	hamper	– 1	– – ½
Cotton yarn	bale	– 4	– 2
Caoutchouc	barrel	– 2	– 1
Ditto, loose	ton	1 –	– 6
Codilla of flax or hemp	ton	– 6	– 6
Cedar	ton	– 6	– 3
Clog soles	1,000	– 3	– 3
Cutch (Terra Japonica)	ton	– 6	– 3

		Inwards.	Outwards.
		s. d.	s. d.
Cobalt ore	ton	– 6	– 3
Clover seed, composition	100 bushels	1 –	– 6
Dry goods	butt	– 8	– 4
Ditto	puncheon	– 6	– 3
Ditto	hogshead	– 4	– 2
Ditto	case	– 4	– 2
Ditto	chest	– 4	– 2
Ditto	bale	– 4	– 2
Ditto	tierce	– 3	– 1 ½
Ditto	barrel, box, or truss	– 2	– 1
Ditto	trunk	– 2	– 2
Ditto	hamper	– – ½	– – ½
Deals	120	1 –	– 6
Deal ends (three to a deal)	120	– 4	– 4
Dyeing woods of every kind	ton	– 6	– 3
Earthenware	load	– 4	– 4
Ditto	crate	– 2	– 2
Ditto	hogshead	– 4	– 2
Ditto	puncheon	– 6	– 3
Emery	ton	– 6	– 3
Elephants' teeth	ton	1 –	– 6
Ebony	ton	– 6	– 3
Eggs, loose	1,000	– 2	– 2
Ditto, crate	5,000	– 10	– 10
Feathers	bag	– 3	– 3
Ditto	bed	– 3	– 3
Ditto, St. Kilda	small bag	– 1	– 1
Fish, salted or dry	ton	1 –	– 6
Fish, salmon, &c.	barrel	– 1	– 1
Ditto	tierce	– 1 ½	– 1 ½
Ditto	hogshead	– 2	– 2
Flax	ton	1 –	– 6
Flour	barrel	– 1	– 1
Ditto	sack	– – ½	– – ½
Ditto	ton	– 6	– 6
Firewood	fathom	– 2	– 2
Ditto	ton	– 1	– 1
Figs	100 packages	1 –	1 –
Furriers' waste	ton	– 6	– 3
Fullers' earth	ton	– 3	– 3
Felt, patent	package	– 1	– 1
Fire bricks	1,000	– 4	– 4
Flag stones	ton	– 1	– 1
Fieldspar, loose	ton	– 3	– 3
Flax-seed, composition	100 bushels	1 –	– 6
Fellies for wheels, wood	dozen	– – ½	—
Filtering stones	each	– – ½	– – ¼
Flax seed	hogshead	– 4	– 2
Ditto	tierce	– 3	– 1 ½
Ditto, loose or in bags, composition	100 bushels	1 –	– 6
Glass bottles, loose	100 dozen	1 –	– 6
Ditto, packed, as "dry goods"		—	—
Glass, window, per box, 16 in. square, in half a box		– – ½	– – ½
Glass	side	– 1	– 1
Ditto	crate	– 2	– 2
Ditto, flint, as "dry goods"		—	—
Glue	hogshead	– 4	– 2
Groceries, as "dry goods"		—	—
Gum Senegal	ton	1 –	– 6
Ditto – (coastwise)	ton	– 6	– 3
Gourds of aloes	each	– 1	– 1
Ginsang	cwt.	– 3	– 1 ½
Galls	sack or bag	– 2	– 1
Gunpowder	barrel (100 lbs.)	– 1	– – ½
Gun-stocks	1,000	– 1	– 1
Grinding-stones	load	– 4	– 4
Ditto	chaldron	– 2	– 2
Grapes, composition	chest	– 4	– 4
Ditto – ditto	box	– 2	– 2
Ditto – ditto	jar	– – ½	– – ½
Ginger	bag	– 1	– – ½
Geneva, foreign	pipe	1 –	– 6
Ditto – ditto	piece	– 8	– 4
Gypsum	ton	– 6	– 3
Granite stone	ton	– 1	– 1
Grain. *See* Composition.			
Garden seeds	sack	– 1	– – ½
Gold ore	ton	1 –	—
Greaves, loose	ton	– 3	– 3
Guano	ton	– 1	– 1
Grass, China	ton	1 –	– 6
Gutta percha	ton	1 –	– 6
Hemp	ton	1 –	– 6
Hemp-seed (as flax-seed) composition.			

		Inwards.		Outwards	
		s.	d.	s.	d.
Herrings	barrel	–	1	–	1
Ditto, salted, loose	1,000	–	1	–	1
Hides, tanned. *See* Leather.					
Hides, dry } composition	cwt.	–	2	–	2
Ditto, wet } composition	cwt.	–	1	–	1
Hops	bag	–	3	–	3
Ditto	pocket	–	2	–	2
Hazel rods	1,000	–	1	–	– ½
Ditto	load	–	2	–	2
Hair	bale	–	2	–	2
Ditto	bundle	–	1	–	– ½
Horns	100	–	1	–	– ½
Horns, tips	1,000	–	1	–	– ½
Ditto	ton	–	3	–	3
Hatters' dregs	pipe, butt	–	4	–	4
Ditto	puncheon	–	2	–	2
Handspikes	1,000	–	6	–	3
Hoops, wood	load of 2,000	–	4	–	2
Ditto	1,000	–	2	–	1
Hay	ton	–	6	–	3
Horses	each	–	2	–	2
Hogs	each	–	– ½	–	– ½
Hogs' lard	ton	1	–	–	6
Honey	barrel	–	2	–	1
Ditto	keg	–	1	–	– ½
Ditto	jar	–	– ½	–	– ¼
Heading for casks	1,000	–	6	–	3
Hoops	1,000	–	1	–	– ½
Ditto	ton	–	3	–	1 ½
Hurdles, wooden	100	1	–	–	6
Iron bars, rods, &c.	ton	1	–	–	6
Ditto, coastwise	ton	–	6	–	6
Ditto, railway bars	ton	–	4	–	4
Ditto, pigs, pots, or cast	ton	–	6	–	3
Ditto, coastwise	ton	–	3	–	3
Ditto, ore	ton	–	3	–	3
Ditto, machinery	ton	1	–	–	6
Ditto, coastwise	ton	–	6	–	6
Ditto, plates	ton	–	6	–	6
Indigo	chest	–	4	–	2
Ditto	seron	–	3	–	1 ½
Ditto	barrel, box	–	2	–	1
Junk	ton	–	3	–	3
Juniper berries	bag	–	1	–	– ½
Ivory black	hogshead	–	2	–	2
Iron liquor	butt, pipe	–	4	–	4
Ditto	puncheon	–	2	–	2
Ironstone	ton	–	1	–	1
Ice	ton	–	1	–	1
Kelp	ton	–	6	–	3
Knees of oak	100	–	6	–	3
Kutch (Terra Japonica)	ton	–	6	–	3
Lead	ton	–	6	–	6
Ditto, litharge of	ton	–	6	–	6
Ditto, ore	ton	–	6	–	6
Ditto, white or red	hogshead	–	4	–	4
Ditto ditto	barrel	–	2	–	2
Lathwood	fathom	–	2	–	1
Laths	1,000	–	2	–	1
Linen of all sorts	pack or bale	–	4	–	2
Ditto	chest or case	–	4	–	2
Ditto	box, bundle	–	2	–	1
Ditto, loose	12 pieces	–	4	–	2
Lemons (exceeding 10,000 inches)	chest	–	2	–	1
Ditto (not exceeding ditto)	box	–	1	–	– ½
Ditto (from Malaga ditto)	trail	–	– ¼	–	—
Ditto, loose	1,000	–	3	–	1 ½
Lemon juice	pipe	1	–	–	6
Ditto	punch. or hogshead	–	6	–	3
Lignum vitæ	ton	–	6	–	3
Linseed cake	ton	–	3	–	3
Lime	chaldron	–	2	–	2
Ditto	ton	–	1 ½	–	1 ½
Ditto	hogshead	–	2	–	2
Leather, tanned	bale	–	4	–	2
Ditto	bundle	–	1	–	– ½
Lard	ton	1	–	–	6
Limestone	ton	–	1	–	1
Ditto, slacked	ton	–	6	–	3
Linseed oil	pipe	–	4	–	4
Ditto	hogshead	–	2	–	2
Lasts	1,000	–	6	–	3
Mahogany	ton	–	6	–	6
Ditto, bedposts, 50	ton	–	6	–	6
Marble (12 cubic feet)	ton	–	6	–	6
Masts, above 12 inches diameter	each	–	3	–	3
Ditto ,, 8 and under 12	each	–	2	–	2
Ditto ,, 6 ,, 8	each	–	1	–	1
Molasses	hogshds., punch. or tierces	–	2	–	2
Molasses	pipe	–	4	–	4
Ditto	barrel	–	1	–	1
Mill stones	ton	–	3	–	3
Ditto, manufactured	each	–	2	–	2
Mats, bass	1,000	–	3	–	3
Madder	butt	–	8	–	4
Ditto	hogshead	–	4	–	2
Ditto, roots	bale	–	2	–	1
Ditto	bag	–	1	–	– ½
Mules	each	–	2	–	1
Malt spirits, British	punch., hogs-heads	–	2	–	2
Manganese	ton	–	3	–	3
Munjeet (composition 100 b'dles)	bale	–	4	–	4
Mother of pearl shells (composition)	ton	2	–	2	–
Melons (as coker nuts)	100	–	6	–	6
Mop handles	bundles	–	– ½	–	– ½
Mangles	each	–	–	–	2
Mundic (pyrites)	ton	–	3	–	3
Mastic, loose	ton	–	3	–	3
Nuts	barrel	–	2	–	1
Ditto	bag	–	1	–	1
Ditto, coker	100	–	6	–	6
Ditto, cocoa	bag	–	1	–	– ½
Ditto, coquilho	1,000	–	3	–	1 ½
Natron	ton	1	–	–	6
Naptha	puncheon	–	8	–	4
Ditto	carboy	–	– ½	–	– ¼
Nails	bag	–	– ½	–	– ¼
Oak timber (40 feet)	ton	–	6	–	6
Ditto (50 feet)	load	–	7 ½	–	7 ½
Ditto planks of 1 inch	120	1	–	–	6
Ditto boat boards	100	–	6	–	6
Ditto knees	100	–	6	–	3
Oak bark	ton	–	6	–	6
Oxen	each	–	1	–	1
Oakum	ton	–	3	–	3
Oars	120	–	6	–	6
Oziers for hoops	load	–	4	–	4
Orchilla weed composition	bale	–	2	–	2
Onions	basket	–	1	–	– ½
Ditto	chest	–	4	–	2
Ditto	bag	–	1	–	– ½
Ditto, loose	bushel	–	1	–	– ½
Oatmeal	ton	–	6	–	6
Ditto	boll 240 lbs.	–	– ½	–	– ½
Oil of olives	butt	–	8	–	4
Ditto	pipe	–	8	–	4
Ditto	puncheon	–	6	–	3
Ditto	hogshead	–	4	–	2
Ditto	barrel	–	2	–	1
Ditto, sweet	jar, 24 gallons	–	3	–	3
Oil of palm	leaguer	1	–	–	6
Ditto	butt or pipe	–	8	–	4
Ditto	puncheon	–	6	–	3
Ditto	hogshead	–	4	–	2
Ditto	tierce	–	3	–	1 ½
Ditto	barrel	–	2	–	1
Oil of fish	tun old measure, new 1-5th more	–	8	–	8
Ditto	butt	–	8	–	4
Ditto	puncheon	–	6	–	3
Ditto	hogshead	–	4	–	2
Ditto	tierce	–	3	–	1 ½
Ditto	barrel	–	2	–	1
Oil, sweet	chest 60 flasks	–	3	–	1 ½
Ditto	bottle	–	– ½	–	– ½
Oil, castor	dupper	–	– ½	–	– ½
Oil of seeds	pipe	–	4	–	4
Ditto	puncheon	–	3	–	3
Ditto	hogshead	–	2	–	2
Oil of turpentine	puncheon	–	4	–	4
Oil cake	ton	–	3	–	3
Oil for painters	jar or can	–	– ½	–	– ¼
Opium	drum	–	1	–	—
Ox borus	dozen	–	1	–	– ½
Oranges	chest	–	2	–	1
Ditto	box	–	1	–	– ½
Ditto, loose	1,000	–	6	–	—
Ore, copper (*see* also Copper)	ton	–	6	–	6
Ditto, iron	ton	–	3	–	3
Ditto, silver	ton	1	–	–	6
Ditto, gold	ton	1	–	–	—
Ditto, zinc	ton	–	6	–	3
Ditto, cobalt	ton	–	6	–	3
Pine timber	load	–	6	–	3
Ditto boards	120	–	6	–	6
Paling boards	120	–	6	–	3
Pasteboards	bundle	–	1	–	– ½

		Inwards.	Outwards
		s. d.	s. d.
Paper (12 reams)	pack	– 2	– 2
Ditto	load or ton	– 4	– 4
Ditto	bale, small	– 1	– 1
Ditto (2 reams)	bundle	– – ½	– – ½
Perry	hogshead	– 2	– 2
Porter in brewers' casks	butt	– 3	– 3
Ditto ditto	hogshead	– 2	– 2
Ditto ditto	tierce	– 1 ½	– 1 ½
Ditto ditto	barrel	– 1	– 1
Ditto, bottled, as "dry goods"	—	—	—
Paint	barrel	– 1	– 1
Ditto	keg, carboy	– ½	– ½
Perfumery	barrel	– 2	– 1
Peltry or furs	bale or hogshead	– 4	– 4
Ditto	barrel	– 2	– 2
Pigs	each	– ½	– ½
Prunes	100 boxes, &c.	1 –	1 –
Ditto	barrel	– 1	– 1
Plums	100 boxes, &c.	1 –	1 –
Pepper, Malageta	puncheon	– 6	– 6
Ditto	barrel	– 2	– 2
Ditto	bag	– 1	– 1
Pipes	box	– 1	– ½
Pumice stones	hogshead	– 2	– 2
Ditto	ton	– 4	– 4
Printers' liquors	butt or pipe	– 4	– 4
Ditto	hogshead	– 2	– 2
Pearl shells, mother of, composition	ton	2 –	2 –
Pork	tierce	– 1 ½	– 1 ½
Ditto	barrel	– 1	– 1
Pitch (as tar composition)	barrel	– 1	– 1
Portland stone	ton	– 1	– 1
Potatoes, loose	100 bushels	1 –	1 –
Ditto	hamper	– ½	– ½
Pimento	barrel	– 2	– 1
Ditto	bag	– 1	– – ½
Prop wood, 200 yards, oak	load	– 7 ½	– 7 ½
Ditto fir	load	– 6	– 3
Paddy (rough rice)	sack	– 1	– ½
Palm oil. *See* Oil of Palm.			
Pozzulane earth	ton	– 3	– 3
Pyrites	ton	– 3	– 3
Ploughs	each	– 4	– 2
Plumbago, as "lead"	ton	– 6	– 6
Pinssava (Brazil glass)	ton	1 –	– 6
Palm leaves	bale	– 2	– 1
Pick shafts	1,000	– 6	– 3
Paris white, as "whiting"	—	—	—
Quills	bag	– 3	– 3
Ditto	bale	– 4	– 4
Ditto, dressed	case	– 4	– 2
Quicksilver	bottle	– ½	– ½
Quassia wood (As "sassafras" and "cassia fistula")	cwt.	– ½	– ½
Rum, brandy, &c.	puncheon or piece	– 8	– 4
Ditto	butt or pipe	1 –	– 6
Ditto	hogshead	– 6	– 3
Ditto	barrel	– 3	– 1 ½
Ditto, bottled, as "dry goods"	—	—	—
Raisins	barrel	– 1	– 1
Ditto, boxes, baskets, drums, &c.	100	1 –	1 –
Rice	tierce	– 3	– 1 ½
Ditto	barrel	– 2	– 1
Ditto	bag	– 1	– ½
Ditto, rough, or paddy	sack, 4 bushels	– 1	– ½
Rags	ton	– 3	– 3
Rapeseed, composition	100 bushels	1 –	– 6
Rosin	ton	1 –	– 6
Ditto	barrel	– 1	– 1
Rock moss	barrel, bag	– 1	– 1
Ditto	bale	– 2	– 1
Roman vitriol	ton	– 3	– 3
Reeds	1,000	– 2	– 1
Rattans	1,000	– 2	– 1
Rape oil	pipe	– 4	– 4
Ditto	hogshead	– 2	– 2
Rotton stone	ton	– 1	– 1
Salt, white	ton, foreign	– 6	– 6
Ditto — Composition	coastwise	– 3	– 3
Ditto, rock — Composition	foreign	– 4	– 4
Ditto — Composition	coastwise	– 2	– 2
Salt pans	ton	1 –	– 6
Saltpetre	barrel	– 2	– 1
Ditto	bag	– ½	– ½
Salt ashes	ton	– 6	– 3
Sugar	chest	– 4	– 2
Ditto	hogshead	– 4	– 2
Ditto	tierce	– 3	– 1 ½
Ditto	barrel	– 2	– 1
Ditto	box	– 2	– 1
Sugar	bag	– 1	– ½
Ditto, refined	per 3 cwt.	– 2	– 1
Ditto, candy	box	– ½	– ½
Seeds for garden	sack	– 1	– ½
Staves and heading	1,000	– 6	– 3
Spars	120	– 6	– 6
Spelter	ton	– 6	– 3
Starch	hogshead, chest	– 4	– 2
Skeets for ships	dozen	– 1	– 1
Succades	jar, bottle	– – ½	– – ¼
Ditto	box, barrel	– 2	– 1
Soap	hogshead	– 4	– 2
Ditto, foreign	chest	– 4	– 2
Ditto, British	chest	– 2	– 1
Ditto, lye ashes	ton	– 3	– 3
Ditto, waste	ton	– 1	– 1
Ditto, soft	firkin	– – ¼	– – ¼
Ditto, British	box	– 1	– – ½
Snake root	truss, bale	– 4	– 2
Sand for glass manufacturers	ton	– 6	– 3
Ditto, common	ton	– 1	– 1
Sassafras	cwt.	– – ½	– – ½
Sarsaparilla	bale	– 4	– 2
Ditto	bundle	– 1	– – ½
Shumac in casks	each	– 3	– 1 ½
Ditto, in bags	ton	– 6	– 6
Steel	bundle	– – ½	– – ½
Scythes, sickles	12 in a bundle	– – ¼	– – ¼
Ditto	25 dozen, bale or pack	– 5	– 5
Skinners' waste	ton	– 6	– 3
Scythe stones	100 dozen	– 3	– 1 ½
Ditto	load	– 4	– 4
Seahorse teeth	cwt.	– 2	– 2
Shruff, old	ton	– 3	– 3
Stone bottles of marine acid, or spirits of salts	each	– – ½	– – ½
Smiths' bellows	each	– 1	– 1
Scale boards	bundle	– – ½	– – ½
Suceas liquoritoea	chest	– 4	– 2
Skins, squirrel, 40	timber	– ½	– – ½
Ditto, sheep	dozen	– – ½	– – ½
Ditto, calf (composition)	dozen	—	—
Ditto, dog	dozen	– 1	– – ½
Ditto, fox	dozen	– – ½	– – ½
Ditto, kangaroo, loose	dozen	– – ½	– – ¼
Ditto, seal	dozen	– – ½	– – ½
Ditto, sheep, dressed in lime	ton	– 6	– 3
Skins, deer	butt	– 8	– 4
Ditto	puncheon	– 6	– 3
Ditto	hogshead, bale	– 4	– 2
Ditto	barrel	– 2	– 1
Ditto, loose	100	– 3	– 1 ½
Skins, goat	hogshead	– 4	– 2
Ditto	bundle	– 1	– 1
Ditto, loose	dozen	– – ½	– – ½
Ditto, hare, rabbit, racoon	hogshead	– 6	– 3
Ditto, lamb and kid	hogshead	– 4	– 2
Ditto, chinchilla	hogshead, bale	– 4	– 2
Sheep	score	– 4	– 4
Ditto horns	ton	– 2	– 2
Ditto	1,000	– 1	– 1
Skips of cotton, twist, &c.	double, each	– 2	– 2
Ditto	single	– 1	– 1
Slates	ton	– 2	– 2
Stone, Portland	ton	– 1	– 1
Stone, rotten	ton	– 1	– 1
Ditto, lime, granite, &c.	ton	– 1	– 1
Smart sticks	1,000	– 2	– 1
Shells, tortoise, turtle, &c.	cwt.	– 3	– 1 ½
Ditto, couch	ton	2 –	—
Ditto, mother o' pearl, composition	ton	2 –	2 –
Shell lac gum	ton	1 –	– 6
—— slune yellow	ton	– 3	– 3
Sacks, new	bundle	– 1	– – ½
Silk, raw	bale	– 4	– 2
Ditto	ballot	– 2	—
Spirits, turpentine	puncheon	– 4	– 4
Sawdust	bag	– – ¼	– – ¼
Ditto, loose	ton	– 3	– 3
Safflower	bale	– 4	– 2
Sapan wood dye	ton	– 6	– 3
Squills, loose	ton	– 6	—
Sugarhouse refuse or waste	ton	– 1	– 1
Ships' wedges	1,000	– 2	– 2
Spokes for wheels	1,000	– 6	– 3
Shelling (inside of oats)	ton	– 6	– 6
Sluides (outside)	ton	– 3	– 3
Spades	bundle of six	– – ½	– – ½
Soot	hogshead	– 2	– 2
Silver ore	ton	1 –	– 6

		Inwards.	Outwards.
		s. d.	s. d.
Sulphate of soda	ton	– 6	– 3
Straw	ton	– 3	– 1½
Sleepers, wooden, for railways, as battens	100	– 6	– 3
Soap-stone	ton	– 3	– 3
Saddle-trees	dozen	– 1	– –½
Tea, 168 lbs. and upwards	chests	– 4	– 2
Ditto, 90 to 167 lbs.	½ „	– 2	– 1
Ditto, 50 to 89 „	¼ „	– 1	– –½
Ditto, 26 to 49 „	⅛ „	– –½	– –¼
Ditto, 14 to 25 „	1/16 „	– –¼	– –⅛
Ditto, under 14 lbs.		– –⅛	– –1/16
Tallow composition	cwt.	– 1	– 1
Tar – ditto	barrel	– 1	– 1
Turpentine ditto	cwt.	– –½	– –½
Turpentine, spirits of	puncheon	– 4	– 4
Timber, oak and teak (50 feet)	load	– 7½	– 7½
Ditto – pine, fir, &c., ditto	ditto	– 6	– 3
Turnips	ton	– 4	– 4
Tobacco	hogshead	– 4	– 2
Ditto	seron	– 1	– –½
Ditto, B., manufactured, in trusses	20 trusses	– 4	– 4
Tin, manufactured	box	– –¼	– –¼
Ditto, block	ton	– 3	– 3
Treenails	1,000	– 2	– 2
Trees	bundle	– –½	– –½
Tortoise and turtle-shell	cwt.	– 3	– 1½
Tow	ton	– 6	– 6
Ditto	bag	– 1	– 1
Tanners' waste	ton	– 3	– 3
Ditto	hogshead	– 2	– 2
Tiles, common	1,000	– 4	– 4
Ditto, paving	ditto	– 8	– 8
Teakwood (50 feet)	load	– 7½	– 7½
Truss hoops	set	– 1	– –½
Terra umbra	ton	– 3	– 3
Ditto japonica	ton	– 6	– 3
Ditto sienna	ton	– 6	– 3
Tongues, loose	dozen	– –½	– –¼
Ufers	120	– 6	– 3
Valonia	cwt.	– 1	– –½
Ditto	sack, bag of 1 cwt.	– 1	– –½
Vitriol	ton	– 3	– 3
Ditto	bottle	– –½	– –½
Vinegar	pipe	– 4	– 4
Ditto	hogshead	– 2	– 2
Wine	pipe and butt	1 –	– 6
Ditto	leagner	1 –	– 6
Ditto	hogshead	– 6	– 3
Ditto	alm	– 3	– 1½
Ditto	case	– 4	– 2
Ditto, bottled, as "dry goods."			
Wool, raw	pack	– 4	– 4
Ditto	ballot	– 2	– 2
Whalebones or fins	ton	1 –	– 6
Whiting	hogshead	– 4	– 2
Ditto	ton	– 4	– 4
Ditto	bag	– 1	– –½
Wood acid	puncheon	– 4	– 4
Ditto	barrel	– 2	– 2
Ditto	100 gallons	– 2	—
Wainscot boards	120	– 6	– 3
Ditto – oak logs	load	– 7½	– 7½
Wood, propwood	250 yards	– 7½	– 7½
Wheelbarrows	each	– 2	– 2
Waggons	each	– 6	– 6
Wedges for ships	1,000	– 2	– 2
Wire (coastwise)	ton	– 6	– 6
Weld	ton	– 6	– 3
Yarn, linen	truss, 6 cwt.	– 6	– 3
Ditto	bundle (30 to 40 lbs.)	– –½	– –¼
Yarn, bag, woollen	pack	– 4	– 2
Ditto, foreign	vatt	– 8	– 4
Yarn, cotton	pack	– 4	– 2
Ditto	double skipp	– 2	– 2
Ditto	single „	– 1	– 1
Yeast	cask	– 3	– 3
Yellow shine	ton	– 3	– 3
Ditto, berries	bag or bale	– 2	– 1
Zinc	ton	– 6	– 3

2 July 1856.

Wm. Shuttleworth,
Town Clerk of Liverpool.

Appendix, No. 15.

Appendix, No. 15.

PAPER delivered in by Mr. *Hardy*, 26th June 1856.

Close Roll, 40 Edw. 3, m. 22, in the Tower of London

For *Stephen Warde*, who brought a ship laden with wines from the city of Bordeaux, and having landed some of those wines in the port of the town of Liverpool, and paid the King's prisage on the whole contents of the ship, proceeded with the residue to the port of the town of Pull, in Cheshire, and the Earl of Chester's chamberlain demanded prisage there, to the behoof of the Earl of Chester. 20 June 40 Edw. 3, A. D. 1336.

The King to his most dear first-begotten son Edward, Prince of Aquitain and Wales, Duke of Cornwall and Earl of Chester, and to his Chamberlain of Chester, greeting. Whereas, on the 6th day of May last past, our beloved servant William Strete, whom we have appointed chief butler, to take all prisage in every of the ports within our realm to our behoof, did depute under him Richard de Ayneshargh, the mayor of the town of Liverpool, in the county of Lancaster, to take the same our prisage to our behoof in the port of the same town, and to receive to our behoof all manner of sums of money whatever, of which perception was had by others before this time from the causes abovesaid, as in our letters patent thereof made, more fully it is contained; and Stephen Warde, of Liverpool, hath given us to understand, that albeit he,

he, with a certain ship of his, laden with wines at our city of Bordeaux, did, before the said 6th day of May, in the first instance, put into the port of the said town of Liverpool, and did unlade there certain casks of the same wines; and the same Richard did receive to our behoof our rightful prisage of all the wines being in the same ship; you, nevertheless, aforesaid chamberlain, for that that the same Stephen carried the ship aforesaid, with the residue of the wines aforesaid, to the port of the town of Pull, in the county of Chester, and unladed the residue of the wines aforesaid there, do grievously and unjustly distrain him, the said Stephen, to pay a second time the said prisage of the same ship to the behoof of you, aforesaid Earl, to the no small loss and grievance of the same Stephen: wherefore the same Stephen hath besought us that a remedy should be provided for him by us. And because it is not consonant with right that any person who shall come with any ship laden with wines to one place within our realm, and shall have paid our prisage there for the same, be compelled to pay the same prisage for the same a second time elsewhere; and not willing that injury be done to the same Stephen, we command you, aforesaid chamberlain, that if it shall appear to you, by the certificate of the aforesaid Richard, that he, the said Richard, has received our said prisage of the ship aforesaid to our behoof in the said port of Liverpool, where that ship did first put in, then do you altogether surcease the distress which you cause to be made upon the same Stephen for payment to you a second time of the like prisage; and if you have received aught from him on that account, do you cause it to be restored to him without delay, as ought of right to be done. Witness, the King, at Westminster, on the 20th day of June.

PLAN
showing in Blue colour
THE CUSTOM HOUSE LIMITS
of the
PORT OF LIVERPOOL.

Scale 4 Inch = 1 Statute Mile.

NOTE. *Ancient Borough Boundary shewn thus*.....
Present Parliamentary and Municipal Boundary, thus.....

Standidge & Co. Litho London

No. 332. Ordered, by The House of Commons, to be Printed, 3rd. July 1856.
Henry Hansard Printer

Appendix Nº. 16.

PLAN Nº II.

Plan
OF THE
PORT OF LIVERPOOL.

Note.

Land enclosed from the River Mersey for the Liverpool Docks as coloured Green

Between A and B 420 *Acres.*
Between B and C 353 *Acres.*
Between C and D 175 *Acres.*

Present Parliamentary and Municipal Boundary

Ancient Boundary

EVERTON

KIRKDALE

TOXTETH

LIVERPOOL

This outline represents a portion of the Strand which the Dock Trustees by Contract dated 11th Aug.st 1848 agreed to purchase from the Duchy of Lancaster and to construct a River Wall thereon within 10 years from that date. Contents 134a. 2r. 24p. Sq. Yds

Docks applied for to Parliament Sessions 1854-5 but rejected by Committee

ANCIENT SHORE LINE

HUSKISSON DOCK
SANDON DOCK
SANDON BASIN
WELLINGTON DOCK
BRUNSWICK DOCK
BRAMLEY MOORE DOCK
NELSON DOCK
CLARENCE DOCK
STANLEY DOCK
TRAFALGAR DOCK
VICTORIA DOCK
WATERLOO DOCK
KING'S BASIN
PRINCE'S DOCK
QUEEN'S DOCK
QUEEN'S BASIN
BRUNSWICK DOCK
MARQUIS OF SALISBURY'S ESTATE

Gallow Field Inclosed Lands
Swampy Land
THE POOL
Old Hall Street
Dwelling Houses
Public Houses
Gallow Fields

A
B
C
D

RIVER MERSEY

Scale of Feet.

400 300 0 1000 2000 3000 4000 5000 Feet

Standidge & Co. Lithographers

Nº 332. Ordered, by The House of Commons, to be Printed, 3rd July, 1856

Henry Hansard, Printer.

I N D E X

TO

REPORT

FROM THE

SELECT COMMITTEE

ON

LOCAL CHARGES UPON SHIPPING.

Ordered, by The House of Commons, *to be Printed,*
3 *July* 1856.

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Belfast. Complaint that the Liverpool town dues are a direct tax of about 300*l.* a year upon the Belfast and Liverpool Steamboat Company, as carriers, on account of the competition with steamers to Fleetwood, which place is exempt from the dues, *Charley* 2917 *et seq.*

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Berwick. Existing claim of Berwick on the consolidated duties of Customs under the Act 59 Geo. 3, c. 54, in respect of harbour dues and pilotage; the date of first payment was in 1826, *App. p.* 415——Total amount of 52*l.* 15*s.* 6*d.* claimed on account of differential dues in the year 1855, *ib.* 416.

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Superior natural advantages of the port of Birkenhead, as compared with Liverpool, *Bancroft* 2524-2529——Advantage of Liverpool in being nearer than Birkenhead to Manchester, *ib.* 2527. 2530, 2531.

Birkenhead Docks. Large charge which the corporation have taken on themselves in carrying out the Birkenhead works; approval of their action in this matter, *Heron* 142——The corporation will no doubt willingly submit to transfer the Birkenhead Docks to the Liverpool Dock Trustees, without any profit on their purchase, when they are authorised by Parliament to accept the transfer, *ib.* 143——Reasons which induced the corporation of Liverpool to buy the Birkenhead Docks, *Sinclair* 620-622.

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Between 1844 and 1855 various works were authorised by Acts of Parliament at Wallasey Pool, but the Birkenhead Dock trustees were unable to raise the necessary funds, *Shuttleworth* 3926——Bills brought forward in the Session of 1855 by the Liverpool Dock trustees and the Birkenhead Dock trustees, *ib.*——These Bills were referred to a Select Committee, of which Mr. Labouchere was chairman, and the result was a recommendation that the docks should be placed under one control and management, with an assimilation of dock-rates on both sides of the river, *ib.*

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Agreement subsequently between the opposing parties for a purchase of the Birkenhead properties by the corporation of Liverpool, *Shuttleworth* 3926——One stipulation in this agreement was, that the consent of the Board of Trade should be given to the purchase, *ib.*——Reference to a letter, at this point of the proceedings, from the Mayor of Liverpool to the Board of Trade, dated 14 May 1855, *ib.* and *App. p.* 503–506——Report subsequently by the Board of Trade, dated 4 June 1855, containing several recommendations as to the mode and conditions of the transfer to the corporation, *ib.* and *App. p.* 506–509.

Non-approval, by the Select Committee referred to, of the recommendations of the Board of Trade, *Shuttleworth* 3926——A Bill was subsequently passed authorising the transfer of the properties to the corporation, who now hold them under the provisions of the Act, *ib.*——The corporation have issued bonds to the amount of 1,143,000*l.* for the purchase of the property, *ib.*——They have authority to borrow 500,000*l.* for the completion of the works, *ib.*——It is computed that the cost of the docks, and of bringing them into practical operation, will cost the corporation of Liverpool not less than two millions sterling, *ib.*

Obligation of the Liverpool Corporation, under the Birkenhead Dock Act of 1855, to introduce an Act this session for the amalgamation of the Birkenhead and Liverpool Docks, *Shuttleworth* 4907–4909——The Act introduced this session provided for the Birkenhead Docks being vested in the Liverpool Dock Trustees, but not for their becoming the property of the trustees, *ib.* 4910–4912——Explanation of the financial difficulties which prevented the Liverpool Dock Trustees from taking and completing the Birkenhead Docks, *ib.* 4912–4919.

Much less cost of the docks at Birkenhead than of the Liverpool Docks; relative accommodation of each, *Ashworth* 671–687——The Birkenhead Docks have cost about 2,500,000*l.*, and those at Liverpool about 10,000,000*l.*, *ib.* 671, 672——Grant of the Crown of the land at Birkenhead on the condition that there should be no rates charged for the use of quays and wharfs, *Bancroft* 2372, 2373——Origin of Birkenhead and its docks in the spreading prosperity of Liverpool, *ib.* 2422–2427——The first dock was opened in 1847, *ib.* 2425.

Explanation relative to the grant of land by the Crown for the purpose of the Birkenhead Docks, *Shuttleworth* 4049–4051——The south reserve was a free grant by the Crown, but a considerable sum was paid for the north reserve, *ib.* 4049-4050——Different plans put forward for the construction of the Birkenhead Docks, *ib.* 4920-4925.

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Grounds of the opposition of the corporation to the first Bill, *Shuttleworth* 4483. 4486. 4897–4900——Witness recollects only two instances of the Liverpool Corporation having opposed Birkenhead Bills, *ib.* 4901–4906.

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Birkenhead Railway. Witness is a director of the Birkenhead Railway, and has been deputed to represent the interests of the company before the Committee, *Bancroft* 2267, 2268——Explains the lines of communication provided by the railway, *ib.* 2269, 2270. 2272——Strong inducement under which in 1845 and 1846 the Birkenhead Railway Company expended large sums of money for the purpose of communicating directly with the docks at Birkenhead, *ib.* 2272——The company spent more than half a million for a direct communication between the docks and the manufacturing districts, *ib.*

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Birmingham. Witness bas been deputed to give evidence on the part of the Birmingham Chamber of Commerce, *Lloyd* 2113, 2114. 2141, 2142; *Watson* 2865 *et seq.*——Complains that the tax paid by the manufacturers and exporters of Birmingham and Sheffield goods in town dues goes to the relief of the ratepayers of Liverpool, *Lloyd* 2118, 2119——From 4,200*l.* to 5,000*l.* a year is paid in dues on hardware and other articles sent from the Birmingham, &c., districts, *ib.* 2132——Less expense of carriage from Birmingham to Liverpool than from Birmingham to London, *ib.* 2163–2166——Sundry amounts paid in town dues by witness as provision merchant at Birmingham, *Watson* 2866 *et seq.*

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Blackstone on Town Dues, &c. Extract from Blackstone as to the origin and object of town dues, &c., *Heron* 162. 171, 172.

Blackwell, Samuel Holden. (Analysis of his Evidence.)—Carries on a large business in the iron trade at Dudley, 1388–1390——Represents on the present occasion the entire pig iron trade of the South Staffordshire district, 1391–1393——Various ways in which the Liverpool town dues act with disadvantage on the iron trade of this district, 1394–1403.

Amount of about 7,500*l.* a year paid in town dues on iron, by the South Staffordshire district, 1395–1402——Great competition which has sprung up in the iron trade between Middlesborough, in Yorkshire, and the Staffordshire district, 1403–1416—— Disadvantages on the score of town dues, &c., under which the Staffordshire district labours in competition with Middlesborough, 1406–1410. 1415, 1416——Proportion borne by the town due of 6*d.* per ton on exports, to the price of iron, 1417.

Circumstance of the South Staffordshire iron trade having entirely come into existence since the charter, under which the Liverpool Corporation claim the town dues was granted, 1420——Immense extent of the trade at the present time, *ib.*——Opinion that the South Staffordshire district has suffered more than it would have done if the town dues had remained in the hands of the Crown, 1421–1425. 1432–1435.

Witness's attention was first called to the pressure of the Liverpool town dues on the South Staffordshire trade at the time of the Report of the Shipping Dues Commissioners in 1854; 1427, 1428——Iron ore is brought from Runcorn to Staffordshire partly by rail and partly by canal; average charge for the carriage, 1429, 1430——The mineral property in the Staffordshire district is entirely in the hands of private individuals, 1431.

Witness is also connected with the South Wales coal trade, and has extensive collieries between Newport and Pontypool, 1439—Particulars relative to witness's collieries between Newport and Pontypool, and the mode of conveyance of the coal therefrom. 1439–1463. 1494–1497——Extremely unjust character of the tax of 2*d.* a ton on coal exported from Birkenhead, 1439 *et seq.*

Strong and general feeling amongst those engaged in the iron trade in South Staffordshire that the town dues are an unjust tax, 1472–1492——There would be no complaints if the whole of the proceeds of the tax were spent in the improvement of the port, 1487–1492——Absence of analogy between the royalty paid by witness in regard to his coal mines, and the payment on account of the town dues of Liverpool, 1494–1497.

Blakeney. Existing claim of Blakeney on the Consolidated Duties of Customs, under the Act 59 Geo. 3, c. 54, in respect of harbour dues and pilotage; the date of first payment was in 1844, *App. p.* 415——Total amount of 20*l.* 12*s.* 5*d.* claimed on account of differential dues in the year 1855, *ib.* 416.

Blundell, Thomas Weld. (Analysis of his Evidence.)—Resides at Ince Blundell, about nine miles north of Liverpool, 2805——Complaints of the claim of the Corporation of Liverpool, and of the Dock Trustees, to levy dues over about seven miles of land belonging to him, along the coast between Formby Point on the sea side, and Southport, 2805 *et seq.*——Boundaries of the Port of Liverpool, as appointed by the Commission of 1680; 2807, 2808——Co-extension of the limits for collecting town dues with those for collecting the customs; want of authority hereon, with reference more especially to town dues on witness's property, 2808 *et seq.*

Witness maintains that the limits under the Commission of 1680 were defined for fiscal purposes only, 2808–2814. 2827——Grounds for the belief that the claim to dock as well as town dues refers merely to the waters of the Mersey, 2808–2826——Undue assumption under which the dock trustees claim to levy dues up to Hesketh Bank, on the Ribble, 2815–2818——Absence of authority in the Commission of 1680 to extend the limits beyond those laid down in the grant of Charles the First in 1628; 2828–2833.

Board of Trade. Report by the Board of Trade, dated 4 June 1855, containing sundry recommendations as to the mode and conditions of the transfer of the Birkenhead Docks to the Corporation of Liverpool, *App. p.* 506–509.

Bold Street, Liverpool. Amount of 160,000*l.* expended on the improvement of Bold Street, and included in the debt chargeable on the town dues, *Heron* 132.

The statement of Mr. Heron that 160,000*l.* had been expended by the corporation in improving Bold-street, is altogether erroneous, the corporation never having made any improvements in that street at all, *Shuttleworth* 3926.

Bolton, Mr. Reference to a statement by Mr. Bolton, that the main object of the Liverpool merchants in the proceedings in 1833 was the reduction and impartial operation of the dues, *Heron* 41; *Shuttleworth* 4466–4472.

Short-hand writer's notes of the trial in 1833; the plaintiffs being the corporation of Liverpool, and the defendants being Thomas Bolton, Robert Lewen Bolton, and others, *App. p.* 518–638——Verdict given for the plaintiffs, *ib.* 638——Copy of bill of exceptions, *ib.* 639–686——*See* also *Corporation of Liverpool* v. *Bolton and Others.*

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Bootle Bay. Authority in 1854 for taking Liverpool tolls from vessels loading in Bootle Bay, *Shuttleworth* 3805, 3806.

Borough Rates. See *Rates.*

Boston. Existing claim of Boston on the consolidated duties of customs under the Act 59 Geo. 3, c. 54, in respect of harbour dues; this claim is made from 1841 to 1856, *App. p.* 415——Existing claim of Boston under the Act 59 Geo. 3, c. 54, in respect of pilotage; the date of first payment was in 1846, *ib.*——Total amount of 17 *l.* 4 *s.* 10 *d.* claimed on account of differential dues in the year 1855, *ib.* 416.

Bowring, Edgar Alfred. (Analysis of his Evidence.)—Is Registrar of the Board of Trade, 3503——Was appointed in 1849 on the part of the British Government to act with M. Cochelet on the part of the French Government as a commission of inquiry into the question of local exemptions in British ports, 3504, 3505. 3537. 3540——Differences for several years previously with the French Government in the matter of exemptions which led to this inquiry, 3505. 3518. 3530-3537——Non-admission by the British Government that the local exemptions were inconsistent with the reciprocity treaty of 1826; 3505. 3518.

As an objection to an improved commercial treaty between the two countries after the repeal of the navigation laws, France handed in a list of 165 ports and creeks in this country in which exemptions were alleged to exist, to the injury of French trade; on the inquiry referred to, it appeared that there were but eighty-one such ports or creeks, 3505. 3522, 3523. 3528, 3529. 3540——Varying nature in different places of the exemptions in question, 3506-3518.

Nature of the complaint by the French Government in the matter of the exemption of Liverpool freemen from dues, 3518. 3528, 3529——Result of the local exemptions, and of the objections of France thereto, that this country has not been able to enter into a satisfactory commercial treaty with France in lieu of the very incomplete treaty of 1826; 3519-3521. 2530-3539——Heavy differential dues in French ports in consequence of the local exemptions in English ports, 3524-3527.

Bradford. Witness is president of the Bradford Chamber of Commerce, and has been deputed by the chamber to attend before the Committee, *Salt* 2180, 2181——Injustice in Bradford contributing, in the shape of Liverpool town dues, to the borough rates of Liverpool, *ib.* 2182——Calculation that the borough of Bradford pays directly or indirectly from 3,000 *l.* to 4,000 *l.* a year in its exports and imports of goods through Liverpool, *ib.* 2183-2195—— Increase, though not within the last few years, in the trade of Bradford, *ib.* 2227-2229.

Brass Plate (Town Dues). Reference to the brass plate regulating the duties at Liverpool on certain articles; it was formerly fixed up at the Custom-house, but has disappeared since the year 1810, *Heron* 63. 67-70——Clear evidence of the fact that the dues were always collected by the brass plate, which was placed behind the collector in the Custom-house, *ib.* 68-70——Circumstance of the brass plate not mentioning many articles on which dues were levied, *ib.* 68-70——Difficulty felt by Lord Denman, in the action in 1833, as to the amount of dues on each article not named on the brass plate, *ib.* 70.

In 1776 there were, according to the brass plate, only 103 articles chargeable to the dues, *Ashworth* 651—— Belief that the dues are, or ought to be, confined to what the brass plate enumerated, *Bancroft* 2348——Statements as to the brass plate having been dated 1674, *Part* 3683, 3684. 2687.

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Bremner, Henry. (Analysis of his Evidence.)—As solicitor to the pilots at Liverpool attends in support of the retention of the payment of compensation for the differential dues on pilotage, 3070, 3071——The first Act passed for the regulation of the pilots of Liverpool was the Act 6 Geo. 3, in 1765; provisions therein as to the charges on foreign ships for pilotage, 3072, 3073——The next Act was the 37 Geo. 3, c. 78, by the 19th section of which the differential due was continued payable by alien ships, 3073.

The Act 5 Geo. 4, c. 73, in 1824, is the Act under which the present Pilotage Commissioners regulate the pilotage, 3073, 3074——Rates laid down in the 21st section of this Act in regard to the pilotage of foreign ships, 3074——Regulations relative to the appointment of the Pilotage Commissioners, 3074, 3075——The Commissioners appoint thirteen of their body as a committee, who are elected for three years, 3075——List of the Commissioners on 1st June 1856, distinguishing those not of the council, and those appointed by the council, *ib.*

Total of 556,295 *l.* received from pilotage rates in Liverpool during the last ten years, 3076——Average of 6,153 *l.* a year received for the last ten years from the Consolidated Fund under reciprocity treaties, 3077, 3078——Circumstance of the Shipping Dues Commissioners having in their report treated of the subject of differential dues, though evidence having been tendered them on the subject in Liverpool, no such evidence was taken, 3079-3082——Reference to a statement by Mr. Lowe as to the pilots being

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entitled to compensation with regard to differential dues, 3083. 3096——Exceptions taken to the provisions in the bill relative to the abolition of differential dues and the power in lieu thereof to raise the rates on shipping; the power should be compulsory; 3083. 3095–3097.

Statement that the corporation of Liverpool do not receive anything whatever from the pilotage rates, 3084, 3085. 3091——Manner in which the money for differential dues is received on behalf of the pilots, and is distributed to them, 3085–3092——Considerable reduction in the incomes of the pilots if the dues for alien pilotage were abolished, 3093–3095——Decrease of late years in the remuneration of the pilots, 3097——The pilotage is sixty miles from the mouth of the river, 3098, 3099——It is economically managed, 3100.

The pilotage on sailing ships generally is compulsory, 3101——Explanation as to its not being compulsory upon steamers to take pilots in the Mersey; reduction of the pilots' income thereby, 3102–3115. 3123–3130——Breach of faith if the pilots be deprived of the amount received from the Consolidated Fund, 3104–3108. 3119——Circumstance of the rates having always been worked at the maximum allowed, 3116, 3117. 3121, 3122. 3131–3133.

Bristol. Opposite course which has been taken by the people at Bristol to that which is complained of at Liverpool with reference to the town and dock dues, *Heron* 193–195. 218–223——The corporation have voluntarily reduced the dues nearly one half, and have obtained a tax upon the town of Bristol, including Clifton, for the purposes of shipping, *Heron* 193——Success which has attended the reduction of the dues, *ib.* 193. 218, 219——The whole of the town dues have always been expended for the purposes of shipping, *ib.* 193.

Collection at the present time of ancient petty customs at the port of Bristol, *Shuttleworth* 3707–3710——In Bristol seventeen freemen claim exemption from the Liverpool town dues, and twelve of these have availed themselves of the privilege, *ib.* 3926.

Cessation since 1838 of payments to Bristol, under the Act 59 Geo. 3, c. 24, in respect of claims on the Consolidated Duties of Customs for pilotage, *App. p.* 411–413.

Brooks, Mr. Examination of Mr. Brooks, on the part of the corporation of Liverpool, in the action in 1833 against Bolton and others, *App. p.* 565–571. 586–588.

Brown, Henry. With regard to a letter in 1789 from Mr. Henry Brown, then assistant town clerk of Liverpool, to Mr. Hargrave, then recorder of Liverpool; witness reads the same to the Committee, and infers from it that had Mr. Brown further pursued the question of title to the town dues, he would have discovered that it rested upon a continuous line of legal documents rather than upon prescription, *Shuttleworth* 3882–3885.

Building Contracts. Undue advantage of freemen over non-freemen in the case of building contracts, *Heron* 238; *Livsey* 2708——Possibility of a builder or contractor, if a freeman, carrying on business with a moderate profit while a non-freeman would be at a loss, *Heron* 238.

Buoys and Lights. Voluntary charge paid by the owners of vessels on the river above Liverpool to the Duke of Bridgewater's trustees for the maintenance of the lights and buoys, *Hollins* 296; *Johnson* 750, 751. 754——The merchants of Runcorn do not receive in the shape of lights or buoys above Liverpool any benefit for the toll paid for them by the Liverpool docks, *Rigby* 437 *et seq.*; *Johnson* 746–754——The Bridgewater Trustees, the Weaver Navigation, and the shipowners of Runcorn find themselves buoys and lights by a voluntary contribution, *Rigby* 438–446.

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Large sum paid by Runcorn towards the lights and buoys below Liverpool, *Johnson* 746–748——The navigation of the Mersey above Liverpool could not be carried on if the owners of vessels did not voluntarily tax themselves for the maintenance of lights and buoys, *ib.* 780——Opinion that the corporation of Liverpool ought to contribute towards the provision of lights and buoys up to Runcorn, *ib.* 869–882——The sum paid for lights and buoys is not an imposition, but its expenditure should be accounted for, *Hayes* 1106, 1107——The lights and buoys in the Mersey are provided for by a special rate raised and expended for the purpose by the dock trustees, *Pearson* 1675–1680.

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Burnham. Cessation since 1829 of payments to Burnham under the Act 59 Geo. 3, c. 54, in respect of claims on the Consolidated Duties of Customs for Light Dues, *App. p.* 411–413.

Butter. Witness at Birmingham pays about 45 *l.* a year in Liverpool town dues on butter, *Watson* 2868——Town due of 1 *s.* per ton on butter imported into Liverpool, *ib.* 2869——Remarks on the discrepancies between the actual dues charged on butter and the dues as per list; mode of collection adverted to hereon, *ib.* 2872–2892. 2901, 2902. 2908–2913.

Butterfield, John Henry. (Analysis of his Evidence.)—Is a clerk in the Trinity House, 3043—— Explanation of the process by which the Trinity House ascertains the amounts payable to the ports as differential dues; efficiency of the check hereon, 3044–3057—— Absence of any intention on the part of the ports to defraud or to claim more than they are entitled to, 3058–3061——Sundry payments given up by the Trinity House to which they were entitled as compensation for differential dues, 3062, 3063——Different varieties of claims in regard to these dues, 3064, 3065—— Belief that there are no differential town dues at Liverpool, 3066–3068.

Butterfield, Mr. Papers furnished by Mr. Butterfield relative to differential dues, and their relinquishment, &c., *App. p.* 413–415.

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Cables, Means for Testing. Expenditure by the Liverpool Corporation of more than 5,000 *l.* on a building and machinery for testing cables; the expenses nearly always exceed the means, *Shuttleworth* 3926.

Campbell, Lord. Views expressed by Lord Campbell during the debate on the Municipal Corporations Bill as to the rights of corporations to deal with their property, *Shuttleworth* 4002.

Canals. Considerable reduction of late years in the cost of carriage of salt, &c., inland, by canals and railways; particulars hereon, *Worthington* 1224–1241——Large expenditure of the Liverpool Corporation in former years towards the water communication between Liverpool and the manufacturing districts, *Shuttleworth* 3926.

List of tolls charged formerly, and now charged by canal from Marston, in Cheshire, to London, *App. p.* 407——Canal tolls from Droitwich, Worcestershire, to London, *ib.*

Canning-place, Liverpool. Considerable expenditure under the Act 1 Vict., in 1837, in improving Canning-place, and other streets in the immediate neighbourhood of the Custom-house, *Shuttleworth* 3926.

Cardiff. Collection at the present time of ancient petty customs at this port, *Shuttleworth* 3707–3710.

Carmarthen. Collection of ancient petty customs at this port, *Shuttleworth* 3707–3710.

Carnarvon. Existing claim of Carnarvon on the Consolidated Duties of Customs, under the Act 59 Geo. 3, c. 54, in respect of local dues; the date of first payment was in 1837, *App. p.* 415.

Carpet Manufacture. Witness employs about 3,000 hands in the carpet manufacture at Halifax, *Crossley* 2713, 2714——Injurious effect of the Liverpool town dues upon carpets as exported through Liverpool to America; particulars in support of this statement, *ib.* 2733–2750. 2770–2785. 2798——Amount of the due for each bale or packet exported, and value of such packet, *ib.* 2735–2746. 2770–2784——Severe competition with the United States for the sale of carpets; tax of 30 per cent. on their import to the States, *ib.* 2736, 2737——Increase of witness's business with London through the facility of communication, *ib.* 2767——Witness does not ship on his own account, and does not directly pay the dues, *ib.* 2769. 2794. 2798. 2801.——*See* also *Kidderminster Carpets.*

Castle-street, Liverpool. Under the Improvement Act of 1786, Castle-street, and other streets leading to the docks, were opened and widened at the sole expense of the corporation, *Shuttleworth* 3926.

Chapman, Henry Cleaver. Erroneous statement relative to the landing-stage at Liverpool, made by Mr. H. C. Chapman before the Committee on the Liverpool Docks Bill, *Shuttleworth* 4798–4801. 4852.

Charles the First, Grant from. See *Crown, The. Title to Town Dues.*

Charley, John. (Analysis of his Evidence.)—Member of the firm of Malcolm & Charley, of Belfast, carrying on a steam agency from Belfast to Liverpool and Dublin, 2914. 2916——Represents

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Charley, John. (Analysis of his Evidence)—*continued.*

——Represents also the views of several merchants of Belfast, 2915. 2934——Complains that the Liverpool town dues are a direct tax of about 300 *l.* a year upon the Belfast and Liverpool Company, as carriers, on account of the competition with steamers to Fleetwood, which place is exempt from the dues, 2917 *et seq.*——Heavy dues paid by the company in the carriage of flax from Liverpool, 2919, 2920. 2926–2930.

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Cheshire. The grievance of the Liverpool town dues has for several years been strongly felt by the railway interest on the Chester side of the Mersey, as well as by the dock interest and the manufacturing interest, and the feeling has assumed an organised form since the inquiries of the Shipping Dues Commissioners, *Beachcroft* 2271, 2272.

Chester. Collection at the present time of ancient petty customs at this port, *Shuttleworth* 3707–3710.

Chichester. Collection of ancient petty customs at this port, *Shuttleworth* 3707–3710.

Christie, Captain. Explanation as to the examination and rejection of Captain Christie by the Pilotage Committee at Liverpool, *Cooke* 3379–3387. 3392–3394.

Churches. Amount expended in the erection of certain churches in Liverpool, and included in the debt for which the town dues are liable, *Heron* 132——From the report of the Municipal Corporation Commissioners it appears that 122,221 *l.* had then been expended in the erection of churches, *ib.*

Explanation as to the Liverpool Corporation having built and endowed several churches, *Shuttleworth* 4040–4042——A special Act was obtained in each case, *ib.* 4041——The corporation have not expended money in building churches for many years, but when they did the town dues partly contributed the expenditure, *Stewart* 5106–5109.

Cinque Ports. Cessation since 1826 of payments to the Cinque Ports under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of customs for pilotage, *App. p.* 411, 413.

Clay. Instances of inequality as regards Liverpool town dues upon clay on account of the exemption of freemen, *Heron* 75–77——Complaint in regard to the Liverpool town due on clay as imported for the Staffordshire Potteries, *Hollins* 286. 291. 325–330.

Clearance of Vessels. Complaint made at Liverpool before the Shipping Dues Commissioners that parties could not get their goods cleared from the Custom-house without producing a receipt for the town dues, *Heron* 256——Belief that the Queen's officers have no authority to withhold the clearance of a ship if the town dues are not paid, *ib.* 257–260——At Runcorn no person is allowed to clear his vessel out until he produces to the Customs' officer a receipt for the town dues, *Rigby* 415–418——The requirement of producing the receipt before the Customs' officers is directed by Act of Parliament, but witness cannot say by what Act, *ib.* 419–432.

Belief that when a person goes to pay the dock dues the entry is not passed till he has paid the town dues, *Sinclair* 602–610——Impression that the collector of customs at Runcorn and Liverpool will not pass the entries for a vessel to go out until she has paid the dues, *Hutchinson* 981——Considerable difficulty through the necessity of entries being signed by the dock dues office and the town dues office before they are received by the Custom-house clerks, *Pearson* 1578. 1608–1611——When witness was collector of customs at Liverpool he had nothing to do with the town dues or their payment, *Arnaud* 5141–5150.

Coals. The effects of the town due of 2*d.* per ton on coal exported from Liverpool is to depress trade to the injury of the South Wales district, *Heron* 75——Considerable export of coals from Runcorn, *Johnson* 734——The dues on coals exported from Runcorn are 2*d.* a ton, 768——The coals exported by witness from Runcorn come from the neighbourhood of Wigan, and are brought by rail to Garston or by boat to Liverpool, *Hayes* 1099, 1100.

Hardship of the charge of 8*d.* per ton made by the Weaver navigation on coals, *Worthington* 1242–1247——Amount of 1*s.* per ton as the Weaver due, and 3*d.* per ton as

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Coals—continued.

Liverpool town due on coals from Northwich to Ulverstone, *Worthington* 1248–1251——Particulars relative to witness's collieries between Newport and Pontypool, and the mode of conveying coals therefrom, *Blackwell* 1439–1463. 1494–1497——Extremely unjust character of the tax of 2 *d.* a ton on coal exported from Birkenhead, *ib.* 1439 *et seq.*

There is not much exported from Liverpool to America, *Guyon* 2056–2059——Hardship of the dues in the case of coals brought by witness's vessels from South Wales to the Mersey, and transferred to the Cunard steamers without going to Liverpool, *Schneider* 3470——Out of about 3,000,000 tons of coal raised annually in the Lancashire and Cheshire coal field, from 300,000 to 400,000 tons, are exported through Liverpool, and pay town dues, *Part* 3547–3550——Evidence showing that through railway enterprise there is every prospect of a largely increased export of coals from Liverpool, upon which increase the town dues will be from 4,000 *l.* to 5,000 *l.* a year without any return being given, *ib.* 3550–3565.

Increase since 1611 in the due upon coals, *Shuttleworth* 4454–4456.

Expense of transit of coal from St. Helen's, Lancashire, to Winsford, Cheshire, *App. p.* 408——Expense of transit of coal from Leigh, near Wigan, Lancashire, to Anderton salt-works, on the Trent and Mersey canal, *ib.*——Expense of transit of coal from the same colliery to a salt-work on the Weaver, at Winnington, situated exactly opposite the one on the Trent and Mersey, *ib.*

Colchester. Collection of ancient petty customs at this port, *Shuttleworth* 2707–2710.

Cessation since 1832 of payments to Colchester, under the Act 59 Geo. 3, c. 54, in respect of claims on the Consolidated Duties of Customs for Channel Dues, *App. p.* 412–414.

Collection. In the case of several articles imported into Liverpool, it has rested with the collector of the town dues to fix the amount to be paid, *Heron* 68. 70——The dues are received in the Custom-house by the collector, or under the direction of the collector, who is appointed by the corporation, *ib.* 256——Evidence as to the manner in which the town dues are collected at Runcorn, *Rigby* 415–432; *Johnson* 792–799; *Hayes* 1058–1065——Particulars as to the manner in which the town and dock dues were formerly collected at Liverpool, *Hayes* 1048–1058.

When collector of customs at Liverpool, witness had nothing to do with the town dues or their payment, *Arnaud* 5141–5150——He believes it was necessary to pay the town dues before the dock dues, *ib.* 5148–5153.

See also *Brass Plate* (*Town Dues*). *Clearance of Vessels. Enforcement of Payment. Tariffs.*

Compensation. Advantage, supposing the right to the Liverpool town dues to be established, if compensation were given by Government for their abolition; witness has not considered any definite plan hereon, *Newlands* 1966–1977. 2006——Any compensation for the abolition of the dues should be limited to the dues as originally laid down, *Bancroft* 2517–2520——Inasmuch as witness contends that the corporation have no right to the dues, and that they are unjust, he cannot admit the principle of compensation in the matter, *Livsey* 2651–2671. 2680–2685–2691, 2692; *Part* 3653–3673——Inexpediency of a payment by the general public as compensation for the abolition of the dues, *M'Adam* 3455–3460——Grounds for concluding that the corporation do not possess any claim entitling them to compensation, *Schneider* 3481–3501.

With regard to the question of compensation in the event of the abolition of dues and tolls, witness refers to the Act 59 Geo. 3, and other of the Reciprocity Acts, as showing their full recognition of the principle of compensation, *Shuttleworth* 4019 *et seq.*——No offer of compensation has been made to the corporation of Liverpool, *ib.* 4927.

See also *Differential Dues. Leith. Lighthouses. Skerries. Southampton. Tin, Duties on.*

Competition in Trade. Unfavourable effect of the Liverpool dues on the ground of competition with foreign countries, *Livsey* 2613.

See also *Belfast. Coals. Flax. Fleetwood. Forwarding Agents. Freemen. Iron Trade. Runcorn. Salt.*

Compositions (*Town Dues*). See *Reduction of Town Dues.*

Compromise. Witness does not feel authorised to make any statement whatever on the part of the corporation of Liverpool as to a compromise in the matter of the town dues, *Shuttleworth* 4926.——*See* also *Corporation of Liverpool* v. *Bolton & others*, 3.

Conservancy of the Mersey. The Mersey and Irwell navigation, and not the corporation of Liverpool, are legally the conservators of the river, *Heron* 231——Reference to a Bill brought

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Conservancy of the Mersey—continued.

brought before the House of Commons in 1837, for the better conservancy of the Mersey; opposition made by Manchester thereto, *Ashworth* 640, 641——Opinion that the conservancy of the river is all for the benefit of Liverpool, and not at all for the benefit of Runcorn, *Hayes* 1122-1126——Unsatisfactory condition of the conservancy of the Mersey, *Bancroft* 5388——Captain Evans is the acting conservator; he is paid by the Liverpool corporation, *ib.* 2389-2392——Illustration of the neglected state of the Mersey on the Chester side, *Livsey* 2602-2604.

Complaint with reference to neglect by the conservators of the Mersey of shore on the Seacombe side of the river, *Schneider* 3472-3477——Injustice in spending on the conservancy of the river so small a sum out of the dues as about 5,000*l.*, and of spending the great bulk of it upon town embellishments, *ib.* 3476-3479. 3411.

Reference to the expenditure in former years by the Liverpool corporation in legal and other proceedings for preventing encroachments upon the river, *Shuttleworth* 3926——Independent body in which, under the Act 5 & 6 Vict. c. 110, the conservancy of the Mersey is vested, *ib.*——Liability of the corporation in regard to the cost of the conservancy, *ib.*——Nature of the inspection of Captain Evans, the present conservator, *ib.*

See also *Abolition of Town Dues (Liverpool). Application of Town Dues. Buoys and Lights. Title to Town Dues.*

Conway. Collection of ancient petty customs at this port, *Shuttleworth* 3707-3710.

Cooke, Joseph. (Analysis of his Evidence.)—Has been superintendent and examiner of pilots at Liverpool for the last seventeen years, 3309-3312——Necessary qualifications of the pilots; stringent examinations to which subjected, 3313-3315——Witness was appointed by the pilots' committee, 3316, 3317——Very low rates charged for pilotage at Liverpool as compared with London, New York, Calcutta, or Melbourne, 3318-3324——Expediency of an additional rate being charged to foreign vessels on account of the greater difficulty and danger than in the case of British vessels, 3325-3330. 3356-3358.

Testimony to the great efficiency of the Liverpool pilot service, 3331. 3337. 3407, 3408——The service is at the present time not paid half well enough, so great are its hardships and requirements, 3331. 3364. 3,409, 3410——Injurious effect upon the efficiency of the service if the rates be reduced, or if pilotage be optional, 3331. 3363. 3398-3401——Explanation and approval of the system whereby the ownership of the pilot-boats is confined to the service, the return on the capital of the pilots being about nine per cent., 3332-3351.

Witness is not paid out of the pilotage fund, 3337. 3411——Great economy of the management of the service, 3337. 3411——Proof of the arduous duties of the pilots in their average duration of life being only about 39½ years, 3352-3354——Income of pilots in other ports than Liverpool adverted to, 3359-3365——Stringency of the regulations and discipline by which the Liverpool service is conducted, 3366, 3367. 3402-3406.

Evidence in favour of an alteration of the present mode of levying the pilotage rates; the tonnage rather than the depth of water drawn should be the basis of the rate, 3368-3376——Reference to the report of Captain Evans, conservator of the Mersey, in 1855, as proving the great efficiency of the pilots, 3377, 3378——Explanation as to the examination and rejection of Captain Christie by the Pilotage Committee, 3379-3387. 3392-3394——Illustration of the dangerous nature of the channel of the Mersey and of its navigation, 3387-3391. 3395-3397——Rare instances of complaints that vessels have not been able to find pilots, 3402——Punishment of pilots if they are improperly away from their proper station, 3402-3407.

Cork. Total of 1,029*l.* paid in Liverpool town as regards exports from and imports into Cork, *M'Adam* 3429.

Accounts of the quantities of goods imported into Cork from Liverpool in the year 1855, with an estimate of the Liverpool town dues on the same, *App. p.* 417——Account of the exports from Cork to Liverpool in 1855, with an estimate of the Liverpool town dues thereon, *ib.* 418.

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Corporation of Liverpool. Immense extent and value of the corporate property of Liverpool; no accurate estimate of the amount has ever been formed, *Ashworth* 660-662——Constitution of the old corporation, *Bancroft* 2305-2307——Right of the old corporation to do almost as it pleased with the corporate property, *ib.* 2307——Compensation given on the dissolution of the corporation, *ib.* 2313.

The first mention of a Mayor of Liverpool occurs in a letter from Edward the Third, dated 19 May 1356, *Shuttleworth* 3786——The mayor, bailiffs, and burgesses constitute the corporation, *ib.* 3914, 3915.

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Belief that the duties undertaken by the corporation are most efficiently performed, *Stewart* 5122.

See also *Aikin, James. Application of Town Dues. Baines's History of Liverpool. Birkenhead Docks. Corporation of Liverpool* v. *Bolton and Others. Debt. Docks* (*Liverpool*). *Landing Stage* (*Liverpool*). *Management. Pilotage* (*Liverpool*). *Street Improvements. Title to Town Dues. Wallasey Pool, Land at.*

Corporation of Liverpool v. *Bolton & Others:*

1. *Object of the Defendants in this Action.*
2. *Result of the Action in favour of the Plaintiffs.*
3. *Question as to the Matter having been compromised.*
4. *Defendant's Counsel; their Views as to the Result.*
5. *Large Amount of the Law Expenses.*
6. *Claim laid by the Corporation to the Ownership of the Port.*
7. *Copy of the Shorthand Writer's Notes of the Trial.*
8. *Copy of the Judgment.*
9. *Copy of Bill of Exceptions; Delay in settling it.*

1. *Object of the Defendants in this Action:*

Evidence relative to the action tried before Lord Denman in 1833, to the effect that its object was not to get rid of the town dues, but to make the mode in which they were levied more equitable, *Heron* 37, 38. 41 *et seq.*——Reference to statements by Mr. Edwards, Mr. James Low, and Mr. Bolton, as showing that the object of the defendant's proceedings was not the abolition of the dues, *ib.* 41——The contest was in fact mainly between freemen and non-freemen, *ib.* 46.

The case of the Corporation of Liverpool *v.* Bolton and Others, originated in the combined attempt of several merchants to dispute the legality of the town dues, *Shuttleworth* 3827——Some of the merchants considered that the corporation was entitled to something, but that the dues were in many instances too high, *ib.* 3828——About sixty actions were brought by the corporation to enforce their right to the dues; but it was agreed that the case against Bolton and others should alone be tried, *ib.* 3829-3832. 3867——It was admitted on the trial that goods had been landed at Runcorn and at the magazines expressly for the purpose of raising the question of liability there, *ib.* 3838–3843.

Statement that the litigation in 1830-1833 was anything but a friendly suit, *Shuttleworth* 3880——After the action was brought the first thing done was to file a bill of discovery against the corporation to get them to set out their title, *ib.*

Examination to the effect that in the trial of 1833 the legality as well as the amount and partial operation of the dues was contested, and that the public were represented in the matter, *Shuttleworth* 4463-4472. 4500-4539——The non-exemption of freemen was, no doubt, a main object of the proceedings of the merchants, *ib.* 4527–4529.

2. *Result of the Action in favour of the Plaintiffs:*

Statement as to its being contended that the result of the action in 1833 of the Mayor, &c., of Liverpool *v.* Bolton and Others, established the right of the corporation to the dues, *Heron* 22. 37, *et seq.*——Lord Denman on the trial ruled in favour of the Corporation upon all the points involved in the action, *ib.* 43——The verdict of the trial was entered for the corporation, each party agreeing to pay its own costs, a reduction of the town dues being the consideration given by the corporation, *ib.* 44, 45.

Remarks on the landing of goods at Runcorn without paying dues upon them as the ground on which to raise the action; complaint on this score, that Runcorn was not represented on the trial, *Sinclair* 597–600.

The case was tried at Westminster before Lord Denman, in February 1833, and the verdict was in favour of the corporation for the full amount claimed (486 *l.* 9 *s.* 10 *d.*), *Shuttleworth* 3834, 3835. 3850, 3851——Witness was not present at the trial, but had assisted in preparing some of the documentary evidence for the corporation, *ib.* 3836, 3837——Quotation of the questions put by the jury to the judge before returning their verdict, and of the answers thereto as to whether consideration in the form of services rendered by the port was not necessary to support the claim of the corporation, *Shuttleworth* 3849, 3850, and *App. p.* 470, 471.

Question put by the jury as to Runcorn being within the port; how settled by the judge, *Shuttleworth* 3850, and *App. p.* 470, 471——Reference to the summing up of Lord Denman in regard to town dues on new articles, *Shuttleworth* 3852, and *App. p.* 471——No attempt has been made since the action to dispute the title of the corporation, *Shuttleworth* 3868, 3869——How far the verdict was necessarily for the plaintiffs, the question having been merely one of amount, *ib.* 4482–4494.

3. *Question*

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Corporation of Liverpool v. *Bolton and Others*—continued.

3. *Question as to the Matter having been compromised:*

Compromise in Bolton's case, whereby there was a considerable reduction in the dues, *Heron* 41-45; *Bancroft* 2315. 2317. 2320-2324——The principal object of the association of merchants was the reduction of the dues; entire success of the merchants on this point, *Heron* 41-45——Schedule of the reductions made, *ib.* 43——Expected result by the merchants that the Municipal Corporations Act would abolish the peculiar rights of the Liverpool freemen, *ib.* 45, 46.

Explanation of the sense in which it may be said that the corporation compromised the action, *Shuttleworth* 3865-3867——Arrangement under which the corporation agreed not to ask for costs, *ib.* 3867——Report made by the town dues committee to the council, dated 2 June 1834, showing the final determination of the matters involved in the trial, *ib.* 3935——Statement in this report that the object of the action was to establish the legality of the dues, and that they had been thereby established upon the firmest legal basis, *ib.*

Further evidence relative to the so called compromise by the corporation in the matter; denial that the reduction of the dues was a proof that the corporation gave way, or that it had anything to do with the settlement of the action, *Shuttleworth* 4500-4526——The reductions would have taken place whether there had been an action or not, *ib.* 4508, 4509. 4517-4519.

4. *Defendant's Counsel; their Views as to the Result:*

The counsel for the defendants in the trial were the late Lord Truro, Sir Fitzroy Kelly, Mr. Roscoe, Mr. Crompton, and Mr. Rushton, *Shuttleworth* 3844——Reference to a statement by Mr. James Aikin, one of the associated merchants, that the defendents' counsel advised them to get out of the action as quickly as possible, *ib.* 3865-3867——Further statement as to the defendant's counsel on the trial of 1833, having said that the defendant's case was sure to fail, *ib.* 4546-4553.

5. *Large Amount of the Law Expenses:*

Heavy law expenses to which each party was subject adverted to as a bar to similar proceedings as a means of upsetting the claim to the dues, *Sinclair* 598-600——The defendants had to pay about 4,000 *l.*, and the plaintiffs more than 12,000 *l.*, *ib.* 598, 599.

6. *Claim laid by the Corporation to the Ownership of the Port:*

Impression that on the trial of 1833 the port was claimed by the corporation, *Shuttleworth* 4345-4347——Assumption throughout the trial by Sir James Scarlett, counsel for the corporation, that the corporation claimed to be owners of the port, *ib.* 4822, 4823.

7. *Copy of the Shorthand Writer's Notes of the Trial:*

Witness delivers in a copy of the shorthand writer's notes of the trial (*App. p.* 518-638); how this copy has been obtained, *Shuttleworth* 4821.

8. *Copy of the Judgment:*

Certified copy of the judgment delivered in (*App. p.* 468-470); it was signed on 21 December 1833, *Shuttleworth* 3835.

9. *Copy of Bill of Exceptions; Delay in settling it:*

Reference to a bill of exceptions prepared and filed, but for certain reasons not proceeded with, *Heron* 43.

The bill of exceptions in the case is being examined and shall be produced, *Shuttleworth* 2912——Belief that the printed copy of the bill of exceptions (as found in Mr. Rushton's book) to the summing up of the judge is a correct copy, *ib.* 3845-3848——Explanatory statement as to the delay in settling the bill of exceptions; steps taken by the corporation to expedite the matter, *ib.* 3853-3864.

Copy of the bill of exceptions, *App. p.* 639-686——Note by Mr. Shuttleworth explaining that this copy differs in some respects from the copy in Mr. Rushton's book of the trial, *ib.* 686.

Cotton. Evidence relative to the immense amount of cotton imported into Liverpool, with particulars as to the amount of town dues thereon, *Heron* 75. 134-139; *Ashworth* 649. 651——Belief that the amount is not less than 15,000 *l.* a year, *Heron* 75——Annual charge of not less than 17,500 *l.* as town dues on cotton, *Ashworth* 649, 650——A bale of cotton pays 2 *d.* for town dues, and 6 *d.* for dock dues, *ib.* 650——A bale of cotton, which is subject to tax upon import, is frequently taxed twice, and sometimes three or four times, *ib.* 651——Average value of cotton with reference to the amount of town dues paid upon it, *ib.* 717, 718.

Report, 1856—*continued.*

Cotton—continued.

Considerable amount of the town dues on cotton used in manufacture at Rochdale, *Livsey* 2573-2583. 2585-2591——Statement showing that the town dues on a bale of cotton wool may in various shapes amount to 11 *d.*, *Charley* 2932, 2933——Calculation that in 1855 the Liverpool town dues on cotton amounted to 16,900 *l.*, *Gibb* 2983.

Court of Passage. Circumstance of the process of the Court of Passage at Liverpool having been put in force all over the waters of the Mersey since witness's connexion with the Corporation, *Shuttleworth* 3815——The Court of Passage is an old court of record, and is a prescriptive court, *ib.* 3815-3818.

Cowes. Collection of ancient petty customs at this port, *Shuttleworth* 3707-3710.

Cresswell, Mr. Justice. The present Mr. Justice Cresswell went through the whole title of the Corporation of Liverpool to the town dues, *Shuttleworth* 4269, 4270.

Crosby. Reference to a document, dated 1292, showing that at that early period the port of Liverpool comprised seaboard at Crosby, near the mouth of the Mersey, facing the Irish Sea, *Shuttleworth* 3780-3784. 3895, and *App. p.* 457, 458.

Crossley, Frank (Member of the House). (Analysis of his Evidence).—Is Member for Halifax, 2712——Employs about 3,000 hands in the carpet manufacture, 2713, 2714——There are about 40,000 persons in Halifax, 2715——Witness represents generally the views of the district on the present subject, 2716——He concurs entirely in the evidence given by Mr. Salt, *ib.*

Large quantity of corn and Indian meal used in Halifax, after paying town dues in Liverpool, 2717-2720——General manufactures carried on at Halifax, 2721——Large quantities of stones and flags sent from the neighbourhood to Liverpool, Hull, and other places for export, 2722. 2726, 2727. 2753, 2754——Amount of the dues upon wool, cotton, and other raw materials passing through Liverpool to Halifax, 2723-2725. 2731, 2732. 2747, 2748. 2783, 2784. 2796-2798——Considerable supply of groceries coming through Liverpool to Halifax, and subject to the dues, 2728-2730.

Injurious effect of the dues upon carpets, as exported through Liverpool to America; particulars in support of this statement, 2733-2750. 2770-2785. 2798——Amount of the dues for each bale or packet exported, and value of such packets, 2735-2746. 2770-2784——Doubt as to the precise amount of the dues in respect of goods imported or exported by Halifax: it is the same in proportion as was given by Mr. Salt, for Bradford, 2751, 2752. 2790-2792——Grievance of the dues, in their not being applied to shipping purposes: if properly applied there would be no objection to them, 2755-2758. 2780, 2781. 2786, 2787.

Propriety of the payers of the town and dock dues being represented in the management, 2757-2760——Material reduction of late years in the cost of inland carriage from Halifax to Liverpool, and to London, in consequence of the railways, 2761-2764——Equal effect of the town dues upon Kidderminster carpets as upon Halifax carpets, 2765, 2766——Increase of witness's business with London through the facility of communication, 2767——Witness does not ship on his own account, and does not directly pay the dues, 2769. 2794. 2798. 2801——Halifax goods are exported through Liverpool on account of its proximity, as compared with other ports, 2788, 2789. 2800.

Crown, The. Absence of authority in the Crown to have granted power to tax arbitrarily, as in the case of the town dues of Liverpool, *Heelis* 1833, 1834. 1880-1891. 1922-1926. 1939-1954——Belief that originally the Crown never pretended to grant the dues as since taken by the corporation, *ib.* 1880 *et seq.*——Opinion that the power to levy dues is unconstitutional, and that the Crown could not or would not grant the power in the present day, *Bancroft* 2315. 2432 *et seq.*——The Crown could not grant so monstrous a charge as that of town dues involving no obligation, *Livsey* 2609. 2674.

Up to the time of the creation of the Duchy of Lancaster the Liverpool town dues were dealt with by the Crown, *Shuttleworth* 3705——Subsequently to the amalgamation of the duchy with the Crown they have been treated as separate and distinct from the general Crown revenues, *ib.*

See also *Title to Town Dues.*

Cruise's Digest. Reference to "Cruise's Digest" in support of witness's views as to the vitiation of the right to the Liverpool town dues, *Heelis* 1921-1925.

Cumray. Existing claim of Cumray on the consolidated duties of Customs under the Act 59 Geo. 3, c. 54, in respect of light; the date of first payment was in 1825, *App. p.* 415.

Custom House, Liverpool. Statement showing that, in land and money, the corporation of Liverpool have given absolutely about 110,000 *l.* towards the building used for customs and inland revenue purposes, *Shuttleworth* 3926.

Report, 1856—*continued.*

D.

Dartmouth. Collection at the present time of ancient petty customs at this port, *Shuttleworth* 3707–3710.

Debt. The town dues of Liverpool are charged with a debt of one million, *Heron* 131——Difficulty experienced in obtaining evidence before the Shipping Dues Commissioners as to the ingredients of the debt, *ib.* 132——From the Report of the Municipal Corporation Commissioners, it appears that in 1827 the debt amounted to 417,921 *l.*, and in 1834 to 792,009 *l.*, *ib.*——The debt comprises an expenditure of 160,000 *l.* on Bold-street, *ib.*——Also an expenditure of 182,000 *l.* in the purchase of lands from Sir John Tobin and Mr. Laird at Wallasey and Birkenhead, *ib.*

The debt of the corporation, independently of their liability for the Birkenhead Docks, amounted on 31 August 1855 to 1,007,362 *l.*, *Shuttleworth* 3926——Exception taken to Mr. Heron's statement as to the information given by the corporation before the Shipping Dues Commissioners relative to the debt, *ib.*——In 1836, the year after the passing of the Municipal Corporations Act, the debt was 1,008,561 *l.*, *ib.*——Total inaccuracy of Mr. Heron's statement relative to Bold-street; the corporation never spent any money in improving this street, *ib.*

Heavy debt of the corporation adverted to in connexion with the security afforded for its payment by the town dues, *Stewart* 5103.

Denman, Lord. In the action in 1833 of the Corporation of Liverpool *v.* Bolton and others, Lord Denman ruled for the corporation upon all the points involved, *Heron* 43——Difficulty felt by Lord Denman as to the amount of dues on each article not named on the brass plate, *ib.* 70.

Reference to Lord Denman's summing up in the case of 1833, as showing the legality of the dues, though the corporation may have done nothing for keeping up the port, *Shuttleworth* 3988, 3989——Circumstance of Lord Denman having stated, in ruling for the plaintiff, that the case would be heard of again, *ib.* 4495——Reference to the case of Brune *v.* Thompson, and to the statement of Lord Denman in the case, that the legality of applying ancient port duties to new objects of commerce was not decided in the Liverpool case, *ib.* 4458–4462.

Summing up of Lord Chief Justice Denman in the trial of 1833, *App. p.* 624–638.

Differential Dues. Amount paid to Liverpool in 1854 and 1855 as compensation for differential dues on account of pilotage and anchorage, *Shelley* 3019, 3020——Explanation as to the payment of differential dues being now included in the estimates for civil services instead of being charged on the gross revenues of Customs; advantage thereof, *ib.* 3021–3023. 3026. 3036, 3037——Sections of the Act 59 Geo. 3, c. 54, cited as containing provisions relative to the system of compensation for differential dues, *ib.* 3024——Sections of the Act 1 & 2 Vict. c. 113, cited as showing the next step taken by Parliament on the subject, *ib.*——Further enactments on the subject in the Acts 10 Vict. c. 27, and 15 & 16 Vict. c. 47, *ib.*

The Treasury order the payment of the difference of dues between foreign and British ships on the authority of the foregoing enactments, and according to the amount as ascertained by the machinery of the Trinity Board, *Shelley* 3025, 3026——Amount paid in differential dues for the United Kingdom in each of the years 1820–55; the total amount is 981,630 *l.* 6 *s.* 8 *d.*; *ib.* 3027–3030——Practice under the Act 10 Vict. c. 27, in the event of a harbour company coming to Parliament for additional powers, to prevent them from levying differential dues for the future, *ib.* 3031–3033. 3035. 3038, 3039.

Explanation of the process by which the Trinity House ascertained the amount payable to the ports as differential dues; efficiency of the checks hereon, *Butterfield* 3044–3057——At Liverpool there are two claims for pilotage and one claim for anchorage, *ib.* 3052. 3066——Absence of any intention on the part of the ports to defraud or to claim more than they are entitled to, *ib.* 3058–3061——Belief that there are no differential town dues at Liverpool, *ib.* 3066–3068.

Exceptions taken to provisions in the Bill under consideration relative to the abolition of differential dues, and the power in lieu thereof to raise rates on shipping; the power should be compulsory, *Bremner* 3095–3097.

Statement of the several claims in the consolidated duties of Customs paid under the Act 59 Geo. 3, c. 54, and subsequent orders of the Lords Commissioners of the Treasury, which have been relinquished, or have in any way ceased, showing the date of the first, and also the last payment, and specifying the various acts, orders, and authorities, &c., under which any of them have been relinquished, or have in any way ceased, *App. p.* 411. 413.

Statement of the several claims on the consolidated duties of Customs paid under the Act 59 Geo. 3, c. 54, and subsequent orders of the Lords Commissioners of the Treasury, in which the claims do not appear to have been paid subsequently to the date specified, but no reason has been assigned for the discontinuance of the claim, *App. p.* 412. 414.

Report, 1856—*continued.*

Differential Dues—continued.

Return of the amount claimed of Her Majesty's Customs on account of differential dues in the year 1855, and submitted for examination to the Corporation of the Trinity House; specifying the particular heads under which the claims were made, and the total amount of each port, *App. p.* 416.

See also *Pilotage.*

Diversion of Trade. Possibility of the heavy dues at Liverpool driving shipping to some other port, *Heron* 14–17. 190. 198–201. 216——In the total charge between this country and the East, 1 *d.* a package, as paid for Liverpool town dues, is quite sufficient to divert the trade from Liverpool to London, *Pearson* 1515–1521. 1538. 1540–1543——Progress and trade of Fleetwood attributed mainly to the Liverpool town dues and other charges, *Lupton* 1731 *et seq.*; *Charley* 2921, 2922. 2930–2932. 2947–2952.

Witness considers that the town dues have no effect whatever in diverting trade from Liverpool to London, *Shand* 4949–4957. 4966–4972.

See also *Alkali Trade. Belfast. Coals. Flax. Fleetwood. Forwarding Agents. Inland Carriage. Iron Trade. Milford Haven. Morecambe. Potteries District. Runcorn. Salt.*

Docks (Liverpool):

I. *Evidence in Disapproval mainly of the Proceedings of the Corporation:*

1. Proceedings under the earlier Dock Acts.
2. Constitution of the Dock Committee; Amendment desirable.
3. Undue Power of the Corporation in vetoing the Resolutions of the Committee.
4. Limited Extent to which the Corporation have given Land for the Docks.
5. Sales of Land by the Corporation; objectionable Practice hereon.
6. Practice in the case of Purchases from private Proprietors.
7. Total Cost of the Docks.
8. Annual Amount of the Rates.
9. Size and Locality of the several Docks.

II. *Evidence in Explanation and Defence of the Practice of the Corporation:*

1. Provisions of the earlier Dock Acts.
2. Constitution of the Dock Committee.
3. Explanation relative to vetoes of the Resolutions of the Committee.
4. Sundry Grants of Land and Money by the Corporation.
5. Sales of Land by the Corporation explained and defended.
6. Audit Commissioners; their Power in the case of Dock Purchases.
7. Purchases from private Proprietors.
8. Practice in regard to the Amount of Rates.

I. *Evidence in Disapproval mainly of the Proceedings of the Corporation:*

1. Proceedings under the earlier Dock Acts:

Power granted to the corporation by the first Act in the eighth year of the reign of Queen Anne, to levy dock dues for a period of twenty-one years, to defray the expense of a new harbour; piece of land granted by the corporation under this Act, *Heron* 95—— Additional powers obtained by the Act 11 Geo. 2, c. 32, for making the Salt House Dock; land also granted under this Act, *ib.*——Further powers granted by the Act 2 Geo. 3, c. 86, for constructing St. George's Dock; land also given in this case, *ib.*

Clause in the first Dock Act, by which nine commissioners were appointed to inspect the accounts; how this body was appointed, *Heron* 95, 96 —— Reference to the next Act, the 25th Geo. 3, c. 53; no land was given by the corporation under this Act, *ib.* 96 ——By the statute of 39 Geo. 3, all the expenses of the docks were to be defrayed out of the funds raised from shipping, *ib.*

All vessels going into Liverpool, or discharging within the boundaries, pay dock rates, *Hollins* 297–299 —— Reference to the construction of the docks by the corporation, under the Act of 1709, *Bancroft* 2347——It is clear that under the Dock Acts the corporation recognised their liberty to provide dock and harbour accommodation, *ib.* 2348, 2349 —— Very objectionable proceedings of the corporations in devolving their original obligations upon the dock trust, *ib.* 2348–2350.

2. Constitution of the Dock Committee; Amendment desirable:

Evidence relative to the constitution of the dock committee, *Heron* 108 *et seq.*——By the Act 6 Geo. 4, c. 187, provision was made for the establishment of a body of dock trustees, *ib.* 109–111——By this Act thirteen members were appointed by the council, and eight by the merchants, but the council had the power to veto any measure of the dock trustees, *ib.* 110, 111.

The constitution of the committee has been changed since 1851, *Heron* 112 —— Belief that the committee now consists of twenty-four members, twelve appointed by the corporation

Report, 1856—*continued.*

Docks (*Liverpool*)—I. *Evidence in Disapproval, &c.*—continued.

2. Constitution of the Dock Committee, &c.—*continued.*

corporation and twelve by the dock rate-payers, *Heron* 114, 115——The payment of dock rates to a certain amount and residence within five miles of Liverpool is necessary in order to become a trustee, *ib.* 115——Reference to a petition presented to the House of Commons in January 1803, by the merchants of Liverpool, for an inquiry into, and an alteration of the constitution of the Liverpool dock trust, *ib.* 129, 130——Disadvantages to trade and commerce from the anomalous position in which the dock trust has always been placed, *ib.* 130.

Propriety of the parties paying the rates being represented in the trust, *Sinclair* 562–569——Besides relief from the town dues, witness strongly urges the necessity of a new dock trust, to be formed on an independent principle, *Ashworth* 662. 664, 665——Doubt as to the detailed mode advisable in constituting a new dock trust, *ib.* 712–715——Interest of every one in Liverpool, and in all the adjoining counties, in the Liverpool docks, *ib.* 714. 716.

Evidence in favour of vesting the dock trust in persons entirely elected by those who pay dock rates; how this might be carried out, *Pearson* 1566. 1578. 1690–1707——The committee consists of twenty-four members, one-half elected by the payers of dock dues and the other half by the corporation, *ib.* 1568——Election of the chairman from among the corporation by the body of the committee, *ib.* 1568. 1576, 1577——Equal confidence of the dock bond-holders if the corporation were entirely alienated from the docks and their management, *ib.* 1701–1709——The corporation have been a more fluctuating body than the dock trustees, *ib.* 1701–1704.

3. Undue Power of the Corporation in vetoing the Resolutions of the Committee:

Substantial powers given to the town council by the right of vetoing any resolution of the dock committee, *Heron* 114, 115; *Pearson* 1569——General disposition shown on the part of the town council to exercise the right of veto; cases in point, *Heron* 114–121——Remarks on the veto by the council on 5 April 1826, relative to the dock trustees being represented by counsel in the matter of land purchased by verdict of jury, *ib.* 115–118——Objectionable exercise of power by the corporation in the matter of a Bill resolved upon by the dock committee, in opposition to a proposition for rating the docks, *Heron* 116–122; *Pearson* 1570–1573.

Particulars as to a Bill introduced into Parliament in 1849, for the purpose of making the docks liable to poor's rate in the parish of Liverpool, *Ashworth* 642–646——Copy of a petition presented by the Chamber of Commerce of Manchester against this Bill, *ib.* 642——The corporation vetoed the attempt of the dock committee to resist the Bill which proposed to impose poor-rates on the docks; but the Bill was necessarily abandoned, *ib.* 642–644——The rating of docks for parochial purposes is still a favourite object in Liverpool, *ib.* 643.

Doubt whether the veto of the objection of the dock committee against the proposed rating took place previously to the alteration of the constitution of the dock trust in 1851, *Pearson* 1573–1575; *Bancroft* 2550–2557——The power of veto in the corporation over the dock committee should be abolished, *Pearson* 1693——Explanation showing that the opposition of the dock committee was vetoed by the influence of the corporation in the committee, *Bancroft* 2365–2368. 2542, 2543. 2552–2557——Necessity of an alteration of the Liverpool dock trust, as the main remedy for the evils complained of on the Mersey, *ib.* 2343. 2346. 2377——Ascendancy of the corporation in the councils of the trustees, notwithstanding the alteration in 1851 in the constitution of the body, *ib.* 2550–2556.

4. Limited Extent to which the Corporation have given Land for the Docks:

Particulars as to grants of land by the corporation under the first three Dock Acts, viz. the Act 8 Queen Ann, the Act 11 Geo. 2, c. 32, and the Act 2 Geo. 3, c. 86, *Heron* 95——Since 1785 the corporation have not assisted in any way in the formation of docks or made any contribution towards the expense, *ib.* 96——Statement of Mr. Hartley, engineer to the Liverpool dock trustees, as to the amount of land given to the latter prior to 1785; *ib.* 124.

5. Sales of Land by the Corporation; objectionable Practice hereon:

The corporation have benefited very largely by the amount received from the docks, *Heron* 96——Reference to two Bills promoted by the council of Liverpool, by which extensive improvements in the neighbourhood of the docks were contemplated; neither of these Bills passed, *ib.*——Reference to several Acts, by which it is provided that the land required for making various docks should be purchased by the corporation, *ib.* 109——The corporation have acted both as buyers and sellers as regards land required for the docks, *ib.* 115, 116. 130. 203–208. 210–215.

Amounts which have been received by the corporation for land which has been required from time to time since the year 1785 for the purpose of the docks, *Heron* 122——The dock estate has, in fact, been made entirely subservient to promoting the interest of the corporation estate, *ib.*——Undue reservation to the corporation, in all the more recent Acts, of land reclaimed at an enormous expense to the dock estate, *ib.*

Report, 1856—*continued.*

Docks (Liverpool)—I. *Evidence in Disapproval, &c.*—continued.

5. Sales of Land by the Corporation, &c.—*continued.*

130——Reference to the outlay of 182,000 *l.* in the purchase of lands from Sir John Tobin and Mr. Laird at Wallaseyand Birkenhead, as forming a large item in the debt chargeable on the town dues, *Heron* 132——Grievance to the trade and commerce of the ports of the Mersey, that the land which was reclaimed by the dock estate was afterwards taken possession of by the corporation, and sold to the dock estate again, *ib.* 203-208. 210-215.

Ground for the statement that an undue price was given for the land on which the docks were built, *Ashworth* 666-678——Doubt as to the pecuniary transactions between the dock committee and the corporation involving causes of dissatisfaction, *Pearson* 1710-1714——Statement as to the proceedings of the corporation in regard to the land required for the docks, showing the unduly large profit made by the former, *Bancroft* 2350-2362——The verdict of a jury as to the purchase-money for the land did not prevent the corporation from having their own way in the matter, *ib.* 2355——The money gained by the corporation out of tne Liverpool docks falls, in fact, upon the trade and commerce, *ib.* 2360-2362.

6. Practice in the Case of Purchases from private Proprietors:

Reference to the mode in which the Liverpool dock trust has dealt with private proprietors, such as Lords Derby and Sefton; care taken in the matter of these purchases, *Bancroft* 2363, 2364.

7. Total Cost of the Docks:

Opinion that the Liverpool docks have been created at a most extravagant expense, *Ashworth* 666 *et seq.*——Much less cost of the docks at Birkenhead than of the Liverpool docks; relative accommodation of each, *ib.* 671-687——The docks at Liverpool have cost about 10,000,000 *l.*, and those at Birkenhead about 2,500,000 *l.*, *ib.* 671, 672.

8. Annual Amount of the Rates:

Enormous increase on the amount derived from dock rates, *Heron* 3. 13——Statement to the effect that the dock dues of Liverpool now amount to 380,000 *l.* a year, *ib.*——Large additional amount of dues which will be required in a few years to meet the expense of the Birkenhead docks, and additions to the docks on the Liverpool side, *ib.* 14-17——The earnings of the dock trustees now amount to about 350,000 *l.* or 380,000 *l.* per annum, *Bancroft* 2348.

9. Size and Locality of the several Docks:

Plan, in which the several docks are duly set forth, *App. p.* 703.

II. *Evidence in Explanation and Defence of the Practice of the Corporation:*

1. Provisions of the earlier Dock Acts:

The first Dock Act was passed in the eighth year of the reign of Queen Anne; it authorised specified tonnage rates for twenty-one years upon ships using the dock, and a sum of 6,000 *l.* to be raised, *Shuttleworth* 3912——Under this Act the parties incorporated are the governing body of the corporation, *ib.* 3912-3914——The next Dock Act was the Act 3 Geo. 1; it recites the former Act, and authorises a further sum of 4,000 *l.* to be raised, and continues for fourteen years longer the duties granted by the first Act, *ib.* 3914, 3915——The next Act is the 11 Geo. 2, c. 32; it recites the two former Acts, and that the money had been borrowed, and authorises the construction of another dock, *ib.* 3915.

Subsequently to the Act 11 Geo. 2, various other Acts were passed, in which all the rates authorised to be charged were tonnage rates, *Shuttleworth* 3915——Clear distinction shown by these Acts and the proceedings under them between the estate of the dock trustees and the corporation, *ib.*——Under the Act 51 Geo. 3, c. 143, the dock trustees, as a separate body, were first incorporated, the trust previously having vested with the governing body of the corporation, *ib.*——Power of the dock estate under this Act to hold land, houses, and other property, *ib.*——In 1785 the dock trustees, still being the governing body of the corporation, first became incorporated, *ib.* 4692-4694.

2. Constitution of the Dock Committee:

Different constitution of the dock committee previously to the Act 6 Geo. 4, and under that Act up to 1851, *Shuttleworth* 3915——By the Dock Act of 1851, the committee consists of twenty-four members, twelve elected by the council and twelve by the dock rate-payers, *ib.*——The committee appoint their own chairman and deputy chairman; the chairman, however, being one of the twelve members elected by the council, *ib.*——Reference to a report made by the Board of Trade to the House during the present session, relative to the constitution of the committee, *ib.* 3915, 3916.

3. Explanation

Docks (Liverpool)—II. *Evidence in Explanation, &c.*—continued.

3. Explanation relative to Vetoes of the Resolutions of the Committee:

The council have a veto upon the proceedings of the committee by a majority of two-thirds, *Shuttleworth* 3915——Since 1851 the veto of the town council has been exercised only once, and that was upon a question upon which the council afterwards gave way, *ib.* 3916——Witness has a list of all the vetoes since 1825, previously to which no veto existed, and finds they have been but twelve altogether, *ib.* 3916-3918.

Explanatory statement with reference to certain transactions under the Act 5 Geo. 3, whereby the powers of the dock solicitor seem to have been vetoed and interfered with by the corporation, *Shuttleworth* 3916, 3917——Mistake under which such interference arose; correction of the same by the Dock Act, 9 Geo. 4, c. 114, *ib.*——Entry in the books of the corporation, dated 5 April 1825, with reference to the transaction in question, *ib.* 3917——Statement of Mr. Foster and Mr. Robert Gladstone, before the Municipal Commission, showing that the interference of the corporation in the matter took place by mistake, *ib.*

Exercise of the power of veto by the council in the matter of the floating bath, *Shuttleworth* 3918.

Veto in respect of excavating the rock and enclosing the ground to the north-west of Prince's Dock, *Shuttleworth* 3918.

Veto by the council in 1835, and again in 1840, upon the question of the admission of reporters to the proceedings of the dock committee; in the first instance their veto applied to their admission, and in the second instance to their non-admission, *Shuttleworth* 3918-3920.

Explanation of the veto exercised by the council or corporation in 1848 with reference to the proceedings in the case of the purchase of land from Lord Derby, *Shuttleworth* 3920.

Explanation of the veto by the chairman of the dock committee in 1849 of the proposal of the committee to petition against the rating of the docks, *Shuttleworth* 3920——The Bill for the rating of the docks never proceeded to a second reading, *ib.*——Resolution of the council, dated 7th February 1849, in explanation and approval of the course taken by the chairman of the dock committee, *App. p.* 511.

Explanation of the veto exercised upon the question of the mode in which certain accounts as to the cost of Albert Docks had been made out, *Shuttleworth* 3920.

The only veto since the altered constitution of the dock committee in 1851 was with reference to a proposition to alter the mode of executing certain work after tender had been received; withdrawal of this veto after some explanation, *Shuttleworth* 3920.

Explanation of the veto in 1851 upon the question of a retiring salary to the solicitor of the dock estate, *Shuttleworth* 3920.

Further evidence relative to the vetoes exercised by the council over the dock trustees; resolutions of the council delivered in explanatory of the circumstances of each case, *Shuttleworth* 3937-3946, and *App. p.* 509-513.

Further examination relative to the power of the corporation in regard to vetoes as well as to the vetoes actually exercised; belief nevertheless as to the independent action of the dock trustees, *Shuttleworth* 4721-4776.

Further statement as to the veto exercised in the matter of the instructions issued to the dock solicitor, *Shuttleworth* 4723-4731.

With regard to the veto exercised by the corporation in the matter of the petition against rating the docks, witness offers further explanations in defence of the course taken by the corporation, *Shuttleworth* 4736-4765——Strong feeling in Liverpool in 1849 as to the question of rating the docks; it has since entirely ceased, *ib.* 4755-4763. 4776.

4. Sundry Grants of Land and Money by the Corporation:

Statement as to the corporation having, by grants of land and by money, laid the foundation of the present great dock estate, *Shuttleworth* 3915——The corporation have given upwards of thirty-nine acres of land for the docks, besides contributions for forming the earlier docks, *ib.* 3915. 3920-2926.

Under the Act 25 Geo. 3, in 1775, the corporation gave twelve acres of land for the docks, *Shuttleworth* 3920-3922——Under the Act 51 Geo. 3 they gave upwards of five acres, and enlarged the Queen's Docks at a cost of 15,000*l.*; return given by the dock estates in this case, *ib.* 3922, 3923. 3925——Under the Act 39 Geo. 3 there was a sale of land to the dock estate at the same price as was paid for it by the corporation, *ib.* 3924, 3925——Under the Act 6 Geo. 4, c. 187, the corporation made a free grant of the reversion of property for dock purposes, which was worth about 21,000*l.*, *ib.* 3925, 3926——In contributions, &c., the corporation have given about 40,000*l.* in money towards the docks, *ib.* 3926.

Previously to the Act 25 Geo. 3, c. 15, the corporation gave nineteen and a half acres of land, besides contributions in money, towards the formation of the docks, *Shuttleworth*

Report, 1856—*continued.*

Docks (Liverpool)—II. *Evidence in Explanation, &c.*—continued.

4. Sundry Grants of Land, &c.—*continued.*

4669-4681——Statement as to the land given by the corporation subsequently to the Act 25 Geo. 3, *Shuttleworth* 4682-4691——Further reference to the reversion under the Act 6 Geo. 4, as regards no consideration having been given for it, *ib.* 4685-4691.

Under the Act 6 Geo. 4 the corporation gave to the dock trustees the reversionary interest in ground-rent, which interest was worth 21,229*l.*, and about 4,000*l.* worth of freehold property in possession; doubt as to there having been any return given for this reversion, *Stuart* 5030-5036——About forty-five acres altogether have been given by the corporation to the dock estate, *ib.* 5089.

5. Sales of Land by the Corporation explained and defended:

Reply in detail to statements which have been made before the Committee impugning the conduct of the Corporation of Liverpool in their dealings with the dock estate, more especially as regards land purchased from the corporation by the estate, *Shuttleworth* 3916 *et seq.*——Reference to Mr. Stuart, mayor of Liverpool, and a surveyor of great eminence, as being prepared to explain in detail to the Committee every transaction between the corporation and the dock trustees, *ib.* 3918——With regard to the transactions between the corporation and the Liverpool Dock Trust, witness further states the practice in regard to the purchase of land by the latter, *ib.* 3936.

After the Act 25 Geo. 3 the corporation were, as a rule, paid for the land required for dock purposes, *Shuttleworth* 4672. 4695——Consideration of the provisions and practice under the Act 25 Geo. 3 as to the terms of purchase by the dock trustees from the corporation, *ib.* 4692-4702——Provision in the Act of 1799 as to the rate at which land required from the corporation for the docks was to be paid for, *ib.* 4703——Provision in 1801, in the Act 51 Geo. 3, c. 143, for assessment by a jury in the case of land sold to the docks, *ib.* 4704.

Defence of the general principle adopted by the corporation in their sales of land to the dock estate, *Shuttleworth* 4776 *et seq.*——Doubt as to the land sold to the dock trustees having in many cases previously been "made" by the dock interest, *ib.* 4776-4782.

Since the latter end of 1824 all purchases by the Liverpool Dock Committee have been made by the advice and assistance of witness, *Stewart* 4991——The transactions between the corporation and the dock trustees have amounted to 865,000*l.*, *ib.* 4991-4993——The corporation have frequently bought from different landowners merely as agents for the dock trustees, and when the trustees could not legally purchase, *ib.* 4993——Reference to the land bought by the corporation, and sold to the dock estate for the King's and Queen's Dock, constructed under the Act 25 Geo. 3; only about 1,500*l.* of the money which passed on this occasion went into the corporation treasury, *ib.* 4994-4996. 5003, 5004.

Transactions between the corporation and the dock trustees relative to land for the Prince's Dock, under the Act 39 Geo. 3; about 25,000*l.* came into the treasury of the corporation, *Stewart* 4997-5000. 5005-5008——Witness practised as a land surveyor in Liverpool for many years, *ib.* 5001——Altogether, previously to 1824, 27,405*l.* 8*s.* 10*d.*, out of 98,895*l.* 18*s.* 11*d.*, was paid to the corporation for property of their own, *ib.* 5002. 5005-5008——Payment by the dock trustees to the corporation, according to verdict of jury, in March 1826, of 110,000*l.* for land and premises at the north end of Prince's Dock, including Clarence Dock; foreshore was mainly comprised in this purchase, *ib.* 5015-5018. 5021. 5029——With regard to the purchase by the dock trustees, in 1819, of the Coburg Dock, witness is not cognisant of the particulars, *ib.* 5019, 5020.

Explanation as to the payment, in 1826, according to verdict of jury, of 69,500*l.* for corporation property at the south of Union Dock, *Stewart* 5022-5029——The land purchased from the corporation up to this period brought about 200,000*l.*, and mainly in a raw or unmade state, *ib.* 5027-5029——Reference to the payment, by the dock trustees to the corporation, of 18,361*l.* 13*s.*, as awarded by a jury under the Act 6 Geo. 4; this was entirely for built property, *ib.* 5030——Reference to the sale of land and strand on the west side of Salthouse Dock, under the Act 4 Vict., for the sum of 221,853*l.* 17*s.*, as recited in the Act; these premises are now known as the Great Albert Docks, *ib.* 5037-5042. 5057-5059——The next purchase was a negotiated one for 250,879*l.*, the land sold extending from the Clarence Dock, northwards, up to Beacon's Gutter; particulars hereon, *ib.* 5043-5057. 5060, 5061.

Witness was first a member of the corporation in 1843, and continued a member till 1848, when there was an interval of three years when he was not a member, *Stewart* 5046, 5047——Practice in regard to his negotiation of purchases, on the part of the dock trustees; he is always consulted by them in such matters, *ib.* 5048-5054. 5073-5075. 5084. 5097.

Out of the purchase-monies of 250,879*l.*, the sum of 17,000*l.* was paid to the corporation merely as intermediate parties for Lord Derby, *Stewart* 5062-5064——Transactions

Report, 1856—*continued.*

Docks (*Liverpool*)—II. *Evidence in Explanation, &c.*—continued.

5. Sales of Land, &c.—*continued.*

tions between the dock estate and the corporation relative to the Wapping Dock Extension; difficulty in settling the value of the property to be transferred by the corporation; the latter will have to pay the docks for widening Wapping-street, *Stewart* 5065–5067. 5127 —— Purchase recently by the dock trustees for 26,313 *l.* of land, near the Prince's Dock, *ib.* 5067–5069——Reference to the purchase, by the dock estate from the corporation, in 1851, of the property called Nova Scotia, for 112,584 *l.*, *ib.* 5070, 5071. 5097.

Besides the purchases thus enumerated, there have been several others for small transactions between the dock trustees and the corporation, *Stewart* 5072——Statement showing that from first to last the dock trustees have paid about 950,000 *l.* to the corporation, *ib.* 5076–5079. 5081——Particulars as to the character of the land or strand sold by the corporation to the docks; how far its value had previously been enhanced by the operation of the docks, *ib.* 5082–5088——It is difficult to state the entire quantity purchased from the corporation, but it probably amounts to 300 acres, *ib.* 5090–5096.

Considerable confidence reposed in witness by the Woods and Forests, and by important public and private bodies, *Stewart* 5084. 5097. 5119, 5120. 5127——Remarks in justification of witness having represented the dock trustees, when he was at the same time a member of the corporation, *ib.* 5097–5099.

6. Audit Commissioners; their Power in the case of Dock Purchases:

The Audit Commissioners were the party appointed to employ counsel in the case of land for the docks going before a jury, *Shuttleworth* 4705——Original constitution of this body, *ib.* 4706, 4707——Diminution of their powers, under the Act 6 Geo. 4, *ib.* 4708–4711——Question as to the cause of their powers having been diminished; doubt whether it can be attributed to their having exposed certain frauds in connexion with the dock estate, *ib.* 4711–4720——Report of Mr. Wilkinson, one of the Municipal Corporation Commissioners at Liverpool, relative to the proceedings of the corporation in regard to the Audit Commissioners, *ib.* 4720.

7. Purchases from private Proprietors:

Belief that Lord Derby and Lord Sefton were paid the full value of all land sold by them for the docks, *Shuttleworth* 4784, 4785——Through witness the docks have spent far more in purchases from private individuals than from the corporation, *Stewart* 5079, 5080——In 1827 a very large sum was awarded by jury to be paid by the dock trustees for land purchased from Lord Sefton and the Jackson representatives, *ib.* 5080——In the matter of the Wapping Extension, the dock estate has probably expended about 500,000 *l.* in purchases, not from the corporation, *ib.*

8. Practice in regard to the Amount of Rates:

The dock trust was constitutod as a public trust, without beneficial interest to any individual, and without the payment of any dividend, *Shuttleworth* 3915——Principle of the Liverpool Dock Acts that money may be borrowed for the docks, and that after payment, out of the dockrates, of the interest thereon, any surplus receipts should go towards a reduction of the rates, *ib.*——Belief that the rates now chargeable are not the maximum rates allowed by the Acts, *ib.*

See also *Aikin, James.* *American Chamber of Commerce* (*Liverpool*). *Birkenhead Docks.* *Graving Docks.* *Landing Stage.* *Management.* *Police.* *River Craft Dock.* *Shipment of Goods.* *Street Improvements.* *Toxteth Park.* *Wallasey Pool, Land at.* *Watch-rate.*

Documentary Evidence of Title. From the Duchy of Lancaster Office and other places, witness has procured copies of ancient charters, grants and leases relative to the town dues of Liverpool, *Shuttleworth* 3714——The copies obtained from the office of the Duchy have been duly examined by Mr. Hardy, and the translations have been made by him, *ib.* 3715——These documents handed in as explanatory of the title of the Liverpool Corporation, *App. p.* 421 *et seq.*——*See* also *Title to Town Dues*, II. 1.

Dover. Collection of ancient petty customs at this port, *Shuttleworth*, 3707–3710.

Draft Report. Report proposed by Mr. Headlam; the same negatived by a majority of one vote, that of the Chairman of the Committee, *Rep. p.* x, xi.

Dredging. Expenditure of the corporation of Liverpool, a few years ago, of 2,282 *l.* towards the dredging of the Mersey, *Shuttleworth* 3926.

Drogheda. Existing claim of Drogheda on the consolidated duties of Customs under the Act 59 Geo. 3, c. 54, in respect of pilotage; the date of first payment was in 1852, *App. p.* 415——Total amount of 1 *l.* 1 *s.* claimed on account of differential dues in the year 1855, *ib.* 416.

Report, 1856—*continued.*

Dry Goods. Three descriptions of dry goods were mentioned on the brass plate that formerly regulated the Liverpool town dues, *Heron* 87.

Dublin. Reference to the shipping dues in Dublin on salt, *Worthington* 1292–1294.

Existing claim of Dublin on the consolidated duties of Customs, under the Act 59 Geo. 3, c. 54, in respect of ballast and harbour dues, and pilotage; the date of first payment was in 1828, *App. p.* 415——Total amount of 2,391 *l.* 1 *s.* 6 *d.* claimed on account of differential dues in the year 1855, *ib.* 416.

Account of the quantities of goods imported into Dublin from Liverpool in the year 1855, with an estimate of the amounts of Liverpool town dues levied on the same, *App. p.* 419——Amount of the quantities of goods exported from Dublin to Liverpool in the year 1855, with an estimate of the Liverpool town dues thereon, *ib.* 420.

Duchy of Lancaster. On the creation of the Duchy of Lancaster, in the reign of Edward the Third, the town dues of Liverpool were dealt with as part of the revenues of the duchy, *Shuttleworth* 3705, 3706——Subsequently to the amalgamation of the duchy with the Crown, they have been treated as separate and distinct from the general Crown revenues, *ib.* 3706.

Witness has collated and examined the copies of ancient charters, grants, and leases produced by Mr. Shuttleworth (*App. p.* 421 *et seq.*), and obtained from the Duchy of Lancaster office; has also made the translations, *Hardy* 3715.

Charter of Edward the Third in 1351, creating Henry fourth Earl of Lancaster, Duke of Lancaster, and creating the county of Lancaster a county palatine, *Shuttleworth* 3794, 3795, and *App. p.* 461, 462.

Opinion as to the inaccuracy of evidence that the possessions of the Duchy of Lancaster were limited to the county, *Stanistreet,* 3905. 3907, 3908.

Dundee. Compensation to the corporation of Dundee, under the Act 11 Geo. 4, c 119, in regard to certain dues extinguished in 1841, *Shuttleworth* 4038, 4039.

Cessation, since 1830, of payments to Dundee under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for harbour dues, *App. p.* 412. 414.

Existing claim of Dundee on the consolidated duties of Customs, under the Act of 59 Geo. 3, c. 54 in respect of lights, the date of first payment was in 1825, *App. p.* 415 Total amount of 210 *l.* 16 *s.* 5 *d.* claimed on account of differential dues in the year 1855, *ib.* 416.

Dye Woods. About 8,000 tons of dye woods, as used in the Bradford district, come through Liverpool, and pay town dues, *Salt* 2241, 2242——Large quantities of dye woods come through Liverpool to Halifax, and pay town dues, *Crossley* 2371.

E.

Empty Casks. Excessive amount of the Liverpool town dues on empty casks imported from Belfast, *Charley* 2933.

Enforcement of Payment. With respect to the mode of enforcing the Liverpool town dues, the goods were formerly seized for the purpose, but an action at law is the only mode which witness would advise, *Shuttleworth* 4067-4073——Reference to an entry in the corporation records in 1649, showing the imposition of a fine for non-payment of the dues; doubt as to there having been authority for this proceeding, *ib.* 4611, 4612.

See also *Clearance of Vessels. Collection.*

Equivalent for Town Dues. Remarks on the circumstance of the Liverpool corporation having denied before the Shipping Dues Commissioners, that they could be legally required to make any return for the dues, *Heron* 2. 139–141. 149; *Livsey* 2622. 2651. 2679——Statement showing the absence of any equivalent for these dues, *Heron* 78–84; *Pearson* 1535–1537, 1578. 1659–1669——Instances of the corporation of Liverpool having in former years provided accommodation for shipping out of the town dues, *Heron* 89–95. 108.

The absence of an equivalent is the main ground of objection to the dues, *Heron* 107. 138–141. 146–155. 159, 160. 247–250; *Ashworth* 700, 701; *Blackwell* 1487–1492; *Pearson* 1535–1537. 1578. 1659–1669; *Lupton* 1720. 1758. 1763. 1785, 1786; *Jones* 1808; *Heelis* 1849 *et seq.* 1920; *Lloyd* 2115 *et seq.*; *Bancroft* 2376. 2432. 2476, 2477; *Livsey* 2567. 2600 *et seq.*; *Crossley* 2755 *et seq.*; *Charley* 2937–2946; *Gibb* 2986. 2394. 3004, 3005; *M'Adam* 3435–3454.

Grounds for the opinion that the consideration for the town dues was the formation and maintenance of the port, *Heron* 161 *et seq.*; *Heelis* 1851–1854. 1865–1876. 1917–1926——Circumstance of the corporation having pleaded during legal proceedings in 1691 and 1695, that there were obligations imposed in regard to the dues, *Heron* 161–174; *Heelis* 1868, 1869. 1873.

See also *Application of Town Dues.*

Report, 1856—*continued.*

Evans, Eyre. Reference to the views of Mr. Eyre Evans, of Liverpool, as being in favour of the abolition of the town dues, *Bancroft* 2341, 2342.

Exemptions. Circumstance of the salt sent down the Weaver to Liverpool for consumption paying no town dues. *Worthington* 1213–1217——Goods from Runcorn to Liverpool, for consumption there do not pay dues, *Pearson* 1654, 1655——Varying nature in different ports of the exemptions from the local dues, *Bowring* 3506–3518——All goods coming down the Mersey, and not going to sea are not chargeable, whether consumed in Liverpool or not, *Shuttleworth* 4077–4079.——*See* also *France. Freemen.*

Exeter. Collection of ancient petty customs at this port, *Shuttleworth* 3707–3710.

With reference to the action brought by the corporation of Exeter to recover town dues upon goods landed at Teignmouth, it involved all the points, more especially as regards want of consideration urged against the claim of the corporation of Liverpool, *Shuttleworth* 3870, 3871. 3873. 3889——The judges who tried this case, that is with reference to a rule *nisi* for a new trial, were Lord Denman, Mr. Justice Coleridge, Mr. Justice Pattison and Mr. Justice Williams, *ib.* 3871——The case was first tried by Mr. Justice Coleridge at the assizes of Devon, *ib.*

Witness reads the judgment of the Court of Queen's Bench as delivered by Lord Denman, showing the grounds of the Court for discharging the rule, *Shuttleworth* 3871, 3872——Proper ground upon which Mr. Justice Coleridge rested the question of consideration for the dues, *ib.* 3871. 3873. 3893, 3894——Circumstance of its having been settled in the Exeter case, that whatever might be the effect of the Commission of Charles the Second for fiscal purposes, it could not explain the ancient enjoyment, *ib.* 3897, 3898——Legality of the town dues in the Exeter case further adverted to, *ib.* 3990.

Provision in the Teignmouth Harbour Act for compensation to the corporation of Exeter, in regard to town dues levied on goods imported into the harbour, *Shuttleworth* 4031–4034——Further reference to the case of the Corporation of Exeter *v.* Warren; respects in which some of the points raised differ from the Liverpool case of 1832, *ib.* 4348–4376.

Existing Tolls or Dues. Enumeration of several ports at which ancient customs are still levied, and at some of which the title to collect the dues has been matter of litigation, and has been sustained, *Shuttleworth* 3707–3711——There are 116 boroughs throughout England which have tolls or dues of some sort, *ib.* 3995–3997——Witness quotes the views expressed in Parliament during the discussions upon the Municipal Corporation Bill by several of the most eminent statesmen of the time; due recognition therein of the existing rights of corporate bodies, *ib.* 3998–4007.

Statement of the present existing claims on the consolidated duties of the Customs, under the Act 59 Geo. 3, c. 54, and subsequent orders of the Right honourable the Lords Commissioners of Her Majesty's Treasury, showing the date of the first payment thereof, *App. p.* 415.

Expenditure of Dues. See *Application of Town Dues.*

Exports. Probability that the exports from Liverpool exceed in value those of all the rest of the United Kingdom, *Newlands* 2003——Statement that one-half of the exports of the United Kingdom go from Liverpool, and are subject to town dues for which no consideration is given, *Gibb* 2982.

Eyemouth. Cessation since 1840 of payments to Eyemouth, under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for harbour dues, *App. p.* 412. 414.

F.

Fairs. Absence of analogy between the Liverpool town dues and the tolls taken at fairs by parties who may have no interest in the site of the fairs, *Bancroft* 2434–2441.

Falmouth. Collection of ancient petty customs at this port, *Shuttleworth* 3707–3710.

Fern. Cessation since 1825 of payments to Fern, under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for light dues, *App. p.* 411. 413.

Fernie, Henry. (Analysis of his Evidence.)—Is member of the firm of Fernie, Brothers, commission merchants at Liverpool, and connected considerably with St. John's, New Brunswick, 1357–1360——Amount of about 4,000*l.* a year as town dues, paid to Liverpool by New Brunswick imports and exports, 1361–1365——Reason why the general port charges in London are higher than at Liverpool, 1369–1372——The reasons which induce American vessels to prefer Liverpool to other ports is the great facility in obtaining return cargoes, 1373–1378. 1380, 1381. 1387——The lumber trade and the trade of

Report, 1856—*continued.*

Fernie, Henry. (Analysis of his Evidence)—*continued.*

Liverpool generally has increased very considerably, 1382–1384——The proposed improvement in the docks is to a great extent for the sake of accommodating the lumber or timber trade, 1385, 1386.

Ferry (*Liverpool.*) Conveyance in the grant in 1629, from Charles the First to the corporation, and in other documents, of the ferry-boats and passage over the Mersey, *Bancroft* 2276, 2277; *Part* 3591——Site of the ferry described in the grants and leases, upon which the title of the town dues is based, *Bancroft* 2281–2284.

With regard to the passage or ferry across the Mersey, it was evidently a ferry from the town to the Chesire side, *Shuttleworth* 4048——The corporation have never exercised the right of ferry, *ib.* 4158——Point on the Cheshire side, to which the right of ferry most probably applied, *ib.* 4159–4161——Petition presented to Parliament by the corporation in 1645 adverted to, and order of Parliament thereon relative to a windmill and ferry-boats, said to be injuriously taken from the corporation by Lord Molyneux, *ib.* 4609. 4610. 4630. 4636–4642.

Mention in sundry documents, handed in by Mr. Shuttleworth, of the ferry or passage over the water of Mersey, *App. p.* 431 *et seq.*

See also *Title to Town Dues.*

Finch, John. Reference to a pamphlet by Mr. John Finch, a merchant of Liverpool, upon the amount derived from town dues, and the application of the money, *Heron* 3–8.

Flannel Manufacture. Effect of the town dues of Liverpool on the flannel manufacture of Rochdale, *Livsey* 2573 *et seq.* 2673–2675.

Flatholm. Cessation since 1827 of payments to Flatholm, under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for light dues, *App. p.* 411. 413.

Flax. Heavy dues paid by the Liverpool and Belfast Steam Boat Company, in the carriage of flax from Liverpool, *Charley* 2919, 2920. 2926–2930——The inward dues at Liverpool being 1 *s.* a ton on flax, Irish flax is now sent *viâ* Fleetwood, where there are no dues, *ib.* 2930–2932.

Dues of 4 *d.* per ton at Hull, and 6 *d.* per ton at Liverpool on flax, sent from Belgium to the North of Ireland, *M^cAdam* 3415, 3416——Belief that single dues only are paid at Liverpool in the case of flax, sent *viâ* Liverpool from Derry to Drogheda, *ib.* 3419–3421——Amount of flax exported from Ireland through Liverpool, the town dues being 1 *s.* per ton, *ib.* 3422.

Fleetwood. Statement to the effect that the port of Fleetwood owes its rise to the heavy dues and charges at Liverpool, *Lupton* 1731 *et seq.*; *Charley* 2921, 2622. 2930–2932. 2947–2952——Invariable practice to send goods from Leeds to Belfast and the North of Ireland *viâ* Fleetwood; the same attributed partly to the charge of 2 *d.* a package for town dues at Liverpool, *Lupton* 1731–1735. 1739–1752. 1755–1760. 1772–1783——Respective advantages generally of the routes *viâ* Fleetwood and Liverpool to the North of Ireland; the former is the shorter and more rapid, *ib.* 1735. 1740–1749.

Equal trade of Fleetwood as of Liverpool with Belfast, *Watson* 2921, 2922——Fleetwood is thirty miles nearer than Liverpool to Belfast, and has a safe harbour, *Charley* 2950–2952——Fleetwood has now about the same amount of trade as Liverpool with Belfast, *Getty* 2963.

See also *Belfast.*

Flour. Calculation that 6,460 *l.* was paid last year in Liverpool town dues on foreign flour, *Gibb* 2982.

Food. No article of necessity, whether of food or of clothing which has passed through Liverpool has escaped the town dues, *Ashworth* 651——Witness, who is a provision merchant at Birmingham, pays about 100 *l.* a year to the town dues at Liverpool on the articles of butter, bacon, hams, lard and cheese, as imported from Ireland and America; particulars hereon, *Watson* 2866 *et seq.*——Circumstance of the town dues in the case of Irish provisions being charged to the importers by the Steam Boat Company who are charged by the corporation, *ib.* 2875–2892. 2901, 2902——Indirect manner in which the dues may be said to be paid by witness, *ib.* 2903–2907.

Foreign Ports. Amount of shipping charges in going into New York, Boston, &c., *Morrisey* 1328.

Forelands. Cessation since 1833, of payments under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for light dues, *App. p.* 411. 413.

Formby. Authority in 1567 for taking customs from vessels belonging to Formby, *Shuttleworth* 3801.——*See* also *Southport.*

Report, 1856—*continued.*

Forwarding Agents. Witness carries on business at Liverpool as a merchant, and forwarding agent, *Pearson* 1498–1505——Contributes to the town dues to five or six times the amount of his local rates, *ib.* 1506–1514——Had formerly a large forwarding business to the East and West Indies, which the town dues have in a great measure had the effect of diverting to London, *ib.* 1515 *et seq.*——The amounts paid by witness in dues by no means represents the losses occasioned by the system, *ib.* 1539. 1563——Non-reduction in the charges of commission allowed to forwarding agents, *ib.* 1606, 1607.

See also *Freemen*, 2.

Foster, Thomas (the late). Extract from the speech of Mr. Foster, former town clerk of Liverpool, before the Municipal Corporation Commissioners in 1833, on the subject of the expenditure of the dues, *Heron* 78–80——Statement by Mr. Foster in this speech that the expenditure was for the benefit of the inhabitants of Liverpool, *ib.* 80.

Reference to a statement before the Municipal Corporation Commission at Liverpool, by Mr. Foster, the town clerk, as to the mode in which the purchases uniformly were made from the corporation by the Liverpool dock trustees, *Shuttleworth* 3916, 3917. 3926——Statement by Mr. Foster, town clerk of Liverpool in 1833, before the Municipal Corporation Commission, as to the delay in the settlement of the bill of exceptions to the summing up of Lord Denman, in the case of the Corporation of Liverpool *v.* Bolton and others, *ib.* 3860——Explanation as to the ground of Mr. Foster's objection to the bill of discovery filed by the merchants previously to the proceedings in 1833, *ib.* 4473–4480.

Examination of Mr. Foster on behalf of the corporation in the action of 1833 against Bolton and others, *App. p.* 529. 534–538. 548–551. 601, 602.

Fowey. Collection of ancient petty customs at this port, *Shuttleworth* 3707–3710.

France. Witness was appointed in 1849, on the part of the British Government to act with M. Cochelet, on the part of the French Government, as a commission of inquiry into the question of local exemptions in British ports, *Bowring* 3504, 3505. 3537. 3540——Difficulties for several years previously with the French Government in the matter of exemptions which led to this inquiry, *ib.* 3505. 3518. 3530–3537——Non-admission by the British Government that the local exemptions were inconsistent with the reciprocity treaty of 1826, *ib.* 3505. 3518.

As an objection to an improved commercial treaty between the two countries after the repeal of the Navigation Laws, France handed in a list of 165 ports and creeks in this country, in which exemptions were alleged to exist to the injury of French trade; on the inquiry it appeared that there were but eighty-one such ports or creeks, *Bowring* 3505. 3522, 3523. 3528, 3529. 3540——Nature of the complaint by the French government in the matter of the exemption of Liverpool freemen from dues, *ib.* 3518. 3528, 3529——Result of the local exemptions, and of the objections of France thereto, that this country has not been able to enter into a satisfactory commercial treaty with France in lieu of the very incomplete treaty of 1826, *ib.* 3519–3521. 3530–3539——Heavy differential dues in French ports in consequence of the local exemptions in English ports, *ib.* 3524–3527.

Fraud. Temptation and facility for fraud on account of the practice of payment of the Liverpool town dues, and particularly so, of the dock dues, *Pearson* 1612–1624——There are no means of knowing, as regards the town dues, whether the customs' entry has been passed; facility for fraud in consequence, *ib.* 1612–1617.

Freemen:

1. *Advantages of Liverpool Freemen over Non-freemen.*
2. *Practice when Freemen are Forwarding Agents.*
3. *Mode of carrying out the Exemption of Freemen.*
4. *Number exempt from the Liverpool Town Dues.*
5. *Regulations in regard to Exemption.*
6. *Title to Exemption considered.*

1. *Advantages of Liverpool Freemen over Non-freemen:*

Immense and undue advantage of a freeman of Liverpool, over a non-freeman, in all mercantile transactions, *Heron* 3. 8, 9. 75–77. 151–155; *Hollins* 333; *Ashworth* 653–660; *Pearson* 1625; *Newlands* 1966, 1967. 1978. 2005. 2007; *Guyon* 2060–2072. 2083–2091; *Livsey* 2696. 2708–2710——Statement as to a large amount of the town dues finding its way into the pockets of the freemen of Liverpool, *Heron* 3. 8——All the contests which have taken place in Liverpool, with reference to the dues, have been between the freemen and the non-freemen, *ib.* 242, 243.

Extract from the letter of a gentleman (personally known to witness for twenty years), showing the disadvantages under which non-freemen labour in competition with freemen, *Ashworth* 653–660——About 25,000*l.* a year, as gained by freemen, is not paid over to the corporate funds, *ib.* 660——Evidence relative to the great advantage gained by

Report, 1856—*continued.*

FREEMEN—continued.

1. *Advantages of Liverpool Freemen over Non-freemen*—continued.

freemen over non-freemen in the salt, coal and other trades, *Hayes* 1072 *et seq.* 1153–1166; *Worthington* 1260, 1261——Large amount which witness would save yearly if he were a freeman of Liverpool, *Hayes* 1072–1075. 1135–1141.

Desire in Liverpool to remove the exemption of freemen from the dues, *Hall* 1169; *Bancroft* 2315. 2325, 2326——Witness's firm at Liverpool paid altogether about 350 *l.* in dues as a result merely of their not being freemen, *Newlands* 1982. 2001. 2004, 2005——Some freemen get as much as 1,000 *l.* a year by their exemption, *Livsey* 2696. 2708——Illustration of the mode in which the exemption of freemen works unjustly, *ib.* 2708.

Incorrectness of the inference that the freemen receive any money in regard to the dues, *Shuttleworth* 3926.

How far the exemption of witness from the dues is advantageous to him in his trade from the port of Liverpool, *Shand* 4966–4973. 4984–4988——Witness probably saves from 80 *l.* to 120 *l.* a year through his exemption, *ib.* 4971——Slight extent to which the dues may have the effect of relieving witness from the share which he would otherwise pay to the municipal rates, *ib.* 4974–4983. 4989, 4990.

2. *Practice when Freemen are Forwarding Agents:*

Illustration of the opportunity for fraud in the exemption of Liverpool goods exported in the name of freemen, *Hayes* 1072——Opportunity of freemen, as agents, to enter goods out in their own names, or, in fact, to sell them in their own names, thus saving the dues to the buyer; legitimacy of such transaction, *Pearson* 1625. 1649——Improbability of freemen signing a certificate that property shipped is their own, if they are acting merely as commission agents, *ib.* 1638–1649.

Undue advantage of forwarding agents, if freemen, in their exemption from the dues, *Lloyd* 2145——Authority for the statement, that it is the practice of agents who are freemen to ship goods in their own name, and to claim exemption, though the manufacturer has paid the dues, *ib.* 2152–2162. 2169–2171.

Statement laid before the Chairman of the Committee by Mr. Lloyd, in correction of the foregoing evidence as to the privileges of freemen, *Ev. p.* 208.

If a freemen acts as agent for receiving or forwarding goods of non-freemen, the town dues are payable on those goods; *Shuttleworth* 3926.

3. *Mode of carrying out the Exemption of Freemen:*

All goods pay the town dues, but the freemen can claim back the amount paid by them, *Heron* 9——Remarks on the practice of payment, and the undue opportunities of freemen to make profits at the expense of the non-freemen, *Ashworth* 653–660——Manner in which the goods of freemen are passed; inadequate check against unfair dealing, *Hayes* 1067–1072.

Explanation of the practice relative to the exemption from town dues of goods exported or imported by freemen, *Shuttleworth* 3926——Practice, where a freeman is partner in a firm, in regard to his exemption from the dues, *ib.* 4827, 4828——If three partners out of a firm of four partners are freemen, they would claim an exemption of three-fourths from the dues, *Shand* 4987, 4988.

4. *Number exempt from the Liverpool Town Dues:*

Exemption obtained from the town dues by merchants of various places who are freemen of Liverpool, *Heron* 7–9——There are somewhat more than 600 freemen who benefit by the remission of the tax, *Livsey* 2704–2707.

Statement showing the number of freemen of Liverpool and other places who are entitled to exemption from the dues, as well as of the number who have availed themselves of the privilege, *Shuttleworth* 3926——In 1842–43 there were 4,049 freemen of Liverpool who could claim exemption, *ib.*——For the year 1855–56 the number of freemen was 2,248, of whom 80, as having been apprenticed or born subsequently to 5 June 1835, are not exempt, *ib.*——In the present year the number of reputed freemen is 2,168, showing a decrease of 1,881 in fourteen years, *ib.*——The highest number of Liverpool freemen claiming exemption in any of the last six years is 282, *ib.*

The freemen of London, resident within the city, and the freemen of Bristol, Waterford, and Wexford, as well as those of Liverpool, are exempt from the town dues, *Shuttleworth* 4076.

5. *Regulations in regard to Exemption:*

Since June 1835 no new freemen can claim exemption from the town dues, *Heron* 245, 246——There is no mode by which a non-freeman may become a freeman, *Newlands* 2008——Freedom can now be acquired only by birth or servitude, *Shuttleworth* 3926——

FREEMEN—continued.

5. *Regulations in regard to Exemption*—continued.

3926——Non-exemption of all freemen who are not born or serving their apprenticeships, or admitted free on the 5 June 1835, *Shuttleworth* 3926.

6. *Title to Exemption considered:*

The corporation do not pretend to any rights to levy town dues from the freemen, *Heron* 11, 12——Possibility of the freemen being entitled by right to the exemption, *Livsey* 2709, 2710 —— Non-exemption of freemen from the tolls according to the decree in the suit between the Molyneux family and the corporation in 1555, *Part* 3579–3581.

Freedom from customs granted by King John to those who became burgesses in the town of Liverpool, *Shuttleworth* 3716–3718, and *App. p.* 421——Quotation of the views of Lord John Russell, and the late Sir Robert Peel, as expressed on the Municipal Reform Bill, in favour of the continued exemption of persons having inchoate rights, *Shuttleworth* 3926——Witness does not acquiesce in that part of the decree establishing the rights of the Crown against the Molyneux family, which does not exempt freemen; it is inconsistent with usage, *ib.* 4829–4833.

See also *France.* *Holliday, William.* *Lancaster Freemen.* *London Freemen.* *Salt*, 6.

Freights. Considerable disadvantage of Liverpool, as compared with London, as a port of shipment, on account of the very defective system of measurement as regulating freights, *Pearson* 1551–1562. 1602–1605——The dock committee at Liverpool take no interests in the measurement, and there are no recognised or sworn measures, *ib.* 1553–1561. 1602, 1603——How far the duty or practice of witness, as forwarding agent, to see to the measurement of the goods, *ib.* 1604–1606.

Much lower freights from London than from Liverpool to Ceylon, &c., *Shand* 4952, 4953.

Frodsham. Reference to the liability to the Liverpool town dues of Frodsham and other places formerly exempt, *Schneider* 3470–3472.

Authority in 1572 for taking tolls from vessels going to Frodsham, *Shuttleworth* 3803 ——Reference to an extract from Ormerod's History of Chester, as showing that in 1280 there was a toll on ships arriving at the "port" of Frodsham, *ib.* 4834–4838——Lease from year to year from the Molyneux family to the corporation adverted to, in connexion with the claim of the corporation to levy tolls at Frodsham and all over the lordship or port of Liverpool, *ib.* 4839–4846.

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Galway. Cessation since 1841 of payments to Galway under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for pilotage, *App. p.* 412–414.

Garston. Extreme hardship that a vessel using the docks at Garston should have to pay Liverpool dock dues, though not using those docks, *Sinclair* 571–576——Voluntary tax paid by the shipowners at Garston towards lighting and buoying the river, *ib.* 577–580 ——No benefit is received by the merchants of Garston for the dues levied on their goods, *ib.* 611, 612.

The corporation of Liverpool sold their property at Garston many years ago; doubt whether they conveyed the manor, *Shuttleworth* 4338–4340.

Getty, Edmund. (Analysis of his Evidence.)—Is secretary to the Harbour Commissioners at Belfast, 2956——Keeps an account of all the exports and imports of Belfast with a view to the levy of a small rate on the goods for the support of the harbour, 2957–2960——Calculates that in 1855 the Liverpool town dues on Belfast exports were 997 *l.* 17*s.* 5*d.*, and on Belfast imports 761 *l.* 10*s.* 2½*d.*; 2961, 2962——Fleetwood has now about the same amount of trade as Liverpool with Belfast, 2963.

Improved practice whereby the Belfast Harbour rates are now levied directly upon goods, 2964–2966——Slight charge, not involving profit, made on pilotage, 2965–2968 ——Impression that the Liverpool corporation derive a profit from pilotage, the charges for which are high, 2967–2972——Special authority of Parliament under which harbour dues are levied in Belfast, 2973–2975——The charge of the harbour was removed by Act from the municipal corporation in 1785; 2974, 2975——The Harbour Commissioners are, properly speaking, inhabitants of Belfast, 2976.

Gibb, William. (Analysis of his Evidence.)—Distiller and wine merchant at Manchester, 2977—— Is a director of the Commercial Association of Manchester, and represents the Association before the Committee, 2978, 2979——Reference to the steps taken by the Association in giving evidence before the Shipping Dues Commissioners, 2980—— Copy of petition by the Association in support of the Local Dues on Shipping Bill, 2981.

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Gibb, William. (Analysis of his Evidence)—*continued.*

Statement that one-half of the entire exports of the United Kingdom go from Liverpool, and are subject to town dues, for which no consideration is given, 2982——Calculation that the Manchester district pays directly or indirectly about 40,000 *l.* in town dues to Liverpool, 2982. 3013, 3014——Argument that the town dues are passing tolls, and that as such, there is every reason for their abolition, 2982–2984. 2996–3005.

Belief that not less than half the imports of the kingdom come into Liverpool, 2982——Calculation as to the town dues paid on imports of sugar, tea, coffee, flour, rice, cotton, &c., 2982, 2983——As regards the right to the dues, witness cannot understand how a right could be purchased in 1672 to levy dues on tea, cotton, and a variety of other goods, which either did not exist or were not imported into England at the time, 2983. 2985. 3006–3009. 3015–3017.

If the money taken in dues were expended on the port, the people of Manchester would have no objection to pay them, 2986. 2994. 3004, 3005——Opinion that the dues cannot be dealt with in the light of ordinary property, 2987–3012——Witness cannot argue on the supposition that the corporation have a prescriptive right to the dues, 2987–2993. 3016, 3017—— The tax is not the less severe because it falls on the consumer, 3014.

Gibball, James. Examination of Mr. Gibball, clerk in the Customs, on the part of the corporation of Liverpool, in the action in 1833, against Bolton and others, *App. p.* 579–586.

Glasgow. Existing claim of Glasgow on the consolidated duties of Customs under the Act 59 Geo. 3, c. 54, in respect of pilotage; the date of the first payment was in 1842, *App. p.* 415——Total amount of 537 *l.* 13 *s.* 6 *d.* claimed on account of differential dues in the year 1855. *ib.* 416.

Government Influence. Improper way in which Government influence is brought to bear in regard to the levying of the Liverpool town dues, *Sinclair* 591.

Grain. Large amount of town dues on the import of grain into Liverpool, *Heron* 71–74——Return by Mr. Robert Proctor, corn broker, in Liverpool, showing the amount of grain exported and imported during the year 1852–53, *ib.* 72——Amount of the town dues on grain; opinion at Runcorn, that it is very highly taxed, *Rigby*, 502. 510–512——Town dues to the amount of 350 *l.* a year on the corn coming into the town of Rochdale, *Livsey* 2581. 2583.

Reduction in 1834 of the dues upon barley, malt, oats, and other grain, *App. p.* 514.

Grangemouth. Cessation since 1851 of payments to Grangemouth under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for Forth and Clyde Navigation dues, *Ap. p.* 412. 414.

Grants. See *Title to Town Dues.*

Graving Docks (*Liverpool*). Hardship of the charge for entering the graving dock established by the Liverpool dock trustees, *Sinclair* 575, 576.

Graving docks at Liverpool were first constructed by the corporation, and were the first graving docks in the western ports, *Shuttleworth* 3947, 3948——They remained part of the separate corporate estate for many years, but were ultimately sold to the dock estate, *ib.* 3947.

Further reference to the graving dock sold by the corporation to the dock trustees; remarks on the statement hereon of Mr. Radcliffe, before the Municipal Corporation Commissioners, *Shuttleworth* 4789–4794——Belief that the docks were sold for very much less money than they might have fetched, *ib.* 4793.

Purchase, in 1824–25, by the dock estate from the corporation, of the graving docks, Nos. 4 and 5, for 29,800 *l.*, as settled by a jury; this was a very low price, *Stewart* 5009–5015.

Greenock. Existing claim of Greenock on the consolidated duties of Customs, under the Act 59 Geo. 3, c. 54, in respect of harbour dues and pilotage; the date of first payment was in 1820, *App. p.* 415——Total amount of 602 *l.* 1 *s.* 11 *d.* claimed on account of differential dues in the year 1855, *ib.* 416.

Grievance. Arbitrary and oppressive character of the Liverpool town dues, *Heron*, 68. 70. 88, 89; *Ashworth* 705–711; *Hutchinson* 1010–1015; *Heelis* 1880 *et seq.* 1927–1938; *Bancroft* 2315. 2327, 2328. 2450–2475. 2478; *Charley* 2932, 2933; *Part* 3626. 3648. ——The grievance does not arise from the amount of the dues, but from the fact that nothing is given in return, *Heron* 107. 138–141. 146–155. 159, 160. 247–250; *Ashworth* 700, 701; *Blackwell* 1487–1492; *Pearson* 1535–1537. 1578. 1659–1669; *Lupton* 1720. 1758. 1763. 1785, 1786; *Heelis* 1849 *et seq.* 1926; *Lloyd* 2115 *et seq.*; *Bancroft* 2376. 2432. 2476, 2477; *Livsey* 2567. 2600 *et seq.*; *Crossley* 2755 *et seq.*; *Charley* 2937–2946; *Gibb* 2986. 2994. 3004, 3005; *M'Adam* 3435–3454.

Great

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Grievance—continued.

Great grievance, not only to the city of Manchester, but to the whole of the north of England, that the Liverpool town dues are levied upon commerce, whilst nothing is given to commerce in return, *Heron* 146-155——Tax caused by the dues, whoever pays them, *Hollins* 334, 335——The trade which enters the Mersey, and does not use Liverpool, is taxed a great deal heavier than the trade which does, *Sinclair* 600, 601——The town dues are not only a burthen upon commerce and industry, but an occasion of heartburning and restiveness throughout the manufacturing districts, *Ashworth* 662——The tax is not the less severe because it falls on the consumers, *Gibb* 3014.

Groceries. Large quantities of groceries consumed in the Bradford district, which pay dues on coming through Liverpool, *Salt* 2240-2242——Considerable supply of groceries coming through Liverpool to Halifax, and subject to the dues, *Crossley* 2728-2730.

Guano. Doubt as to the legal power of the Liverpool Corporation to levy a town due upon guano, an article not known at the time of the original grant of the dues, *Heelis* 1903-1905. 1939-1954; *Gibb* 2983. 3006-3008 —— Circumstance of the due being the same, whether the article is high or low in value, *Bancroft* 2315.

Guyon Stephen Barker. (Analysis of his Evidence.)—Merchant and shipowner at Liverpool; is a citizen of the United States, 2017-2019——Complains of the town dues generally, more especially of the dues upon salt, 2020 *et seq.*——Paid about 500 *l.* last year in town dues, 2025. 2073——About 300,000 tons of salt are annually exported from Liverpool to the United States, 2026——There is a considerable competition with the English salt trade with America on the part of American salt and of salt sent thither from Turk's Island, Cadiz, &c., 2027, 2028. 2034-2036. 2075——Salt from this country does not always go out as ballast, 2029, 2030——The total dues on salt are about 7,500 *l.*, less the exemption on the amount exported by freemen, 2031-2033.

Evidence to the effect that the due of 6 *d.* per ton upon salt is an injurious restriction upon the export trade of this country with America, and a direct encouragement to competition on the part of American manufactured salt, 2037 *et seq.*——The exporter of the salt obtains no equivalent for the dues, 2045, 2046. 2082——The Weaver dues of 1 *s.* per ton on salt, in connexion with the other charges, constitute an excessively heavy charge upon an article of such low value, 2047-2049. 2052. 2080——As regards coal, upon which the dues are 2 *d.* per ton, there is not much exported from Liverpool to America, 2056-2059.

Complaint on the especial ground of the exemption of freemen from town dues, the same being an undue interference with the trade of non-freemen, 2060-2072. 2083-2091——Undue advantage of freemen in the purchase and freightage of salt, 2062-2072. 2083-2091——The export of salt from Liverpool to America has doubtless increased, but it would increase still more but for the dues, 2078-2080——Slight return given for the Weaver dues, 2081——As an increase of price the dues on salt check the export; instances of this, 2092-2108.

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Hale, Lord. Opinion of Lord Hale quoted, as opposed to the principle of ancient customs on modern articles, *Part* 3639, 3640.

Quotation of two paragraphs from Lord Hale's *De Portibus Maris*, as showing the difference which he makes between customs arising within the land, and customs arising from ports, *Shuttleworth* 3706——Further passages in Lord Hale's *De Portibus Maris* adverted to, as inconsistent with the views of witness; probable explanation, *ib.* 4239, 4240. 4263-4267—— Notwithstanding a passage in the *De Portibus Maris*, witness further maintains that the port of Liverpool was included in the grant of Charles the First, *ib.* 4263-4274——Opinion that certain passages in the *De Portibus Maris* do not show the want of authority for levying dues on new articles, *ib.* 4423-4431.

Further statement as to Lord Hale's *De Portibus Maris* being in error relative to the port of Liverpool; Mr. Hardy will explain the matter, *Shuttleworth* 4824, 4825.

With regard to a passage in Lord Hale's *De Portibus Maris*, witness shows that at this period the Duke of Lancaster had the port of Liverpool, and the Earls of Chester had the port of Chester, *Hardy* 5157-5159.

Hale Manor (*Liverpool*). Doubt as to the lord of this manor exercising any right to take anchorage dues, or any special jurisdiction, *Shuttleworth* 4331-4337.

Halifax. There are about 40,000 persons in Halifax, *Crossley* 2715——Witness represents generally the views of the district on the present subject, *ib.* 2716——He concurs entirely in the evidence given by Mr. Salt in opposition to the Liverpool town dues, *ib.*

Large quantity of corn and Indian meal used in Halifax, after paying town dues in Liverpool, *Crossley* 2717-2720——General manufactures carried on at Halifax, *ib.* 2721——Large quantities of stone and flags sent from the neighbourhood to Liverpool, Hull, and other places for export, *ib.* 2722. 2726, 2727. 2753, 2754.

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Halifax—continued.

Amount of the dues upon wool, cotton, and other raw materials passing through Liverpool to Halifax, *Crossley* 2723-2725. 2731. 2732. 2747, 2748. 2783, 2784. 2796-2798——Doubt as to the precise amount of the dues in respect of goods imported or exported by Halifax; it is the same in proportion as was given by Mr. Salt for Bradford, *Crossley* 2751, 2752. 2790-2792——Halifax goods are exported through Liverpool, on account of its proximity as compared with other ports, *ib.* 2788, 2789. 2800.

See also *Carpet Manufacture.*

Hampers. Examination on the circumstance of there having formerly been a Liverpool town due upon hampers, whilst hampers are excluded from the present table, *Shuttleworth* 4442-4449.

Hams. Town due of 1 *s.* per ton on hams imported into Liverpool, *Watson* 2870.

Harbour Dues. Cessation, in different years, of the claims of sundry ports, under the Act 59 Geo. 3, c. 54, *App. p.* 411, 412——Existing claims under the Act 59 Geo. 3, c. 54, in respect of harbour dues, *ib.* 415——Return of the amount claimed by the several ports on account of differential dues in the year 1855; total of 1,080 *l.* 2 *s.* 2 *d.*, *ib.* 416.

See also *Belfast. Buoys and Lights. Docks* (*Liverpool*). *Pilotage* (*Liverpool*).

Hardware. Belief that nine-tenths of the manufactures in hardware, &c., in the midland counties, or about 4,000,000 *l.* in value, is exported annually from Liverpool, paying town dues, *Lloyd* 2120-2130. 2146-2148.——*See* also *Birmingham. Sheffield.*

Hardy, William. (Analysis of his Evidence).—Has collated and examined the copies of ancient charters, grants, and leases, produced by Mr. Shuttleworth, and obtained from the Duchy of Lancaster Office; has also made the translations, 3715.

[Second Examination.]—Explains an entry on the Close Roll, in about the fortieth year of the reign of Edward the Third, relative to the prisage on wines landed at the port of Liverpool; nothing is said as to the ownership of the port, 5154-5157——Witness reads and delivers in the entry in question, 5155, and *App. p.* 702, 703.

With regard to a passage in Lord Hale's *De Portibus Maris*, witness shows that at this period the Duke of Lancaster had the port of Liverpool, and the Earls of Chester had the port of Chester, 5157-5159.

Hartlepool. Collection at the present time of ancient petty customs at this port, *Shuttleworth* 3707-3710.

Harwich. Collection of ancient petty customs at this port, *Shuttleworth* 3707-3710.

Cessation, since 1837, of payments to Harwich, under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of customs for light dues, *App. p.* 411. 413.

Hastings. Collection of ancient petty customs at this port, *Shuttleworth* 3707-3710.

Haverfordwest. Collection of ancient petty customs at this port, *Shuttleworth* 3707-3710.

Hayes, William. (Analysis of his Evidence.)—Resides at Frodsham; carries on business as a merchant and shipbroker at Runcorn, 1043-1045——Particulars as to the manner in which the town and dock dues were formerly collected at Liverpool, 1048-1058——Mode of collection at the present time at Runcorn, 1058-1065——The freemen of Liverpool are entitled to an exemption from town dues; manner in which their goods are passed, 1067-1072——Opportunity for fraud on the part of freemen, 1072——Witness pays town dues to the amount of 1,154 *l.* a year at least; articles and their value on which he pays the dues, 1072-1076.

Witness sends his salt by the Trent and Mersey Navigation and the Duke of Bridgewater's Canal, in order to avoid the Weaver dues, 1077-1082——Particulars relative to the loss of carriage by witness of a quantity of iron from Staffordshire to Lancaster, on account of the Liverpool town dues, 1087-1094——Severe pressure of the town dues on iron ore, 1094-1097——The coals exported by witness come from the neighbourhood of Wigan, and are brought by rail to Garston, or by boat to Liverpool, 1099. 1100——Belief that the town dues have been one means of driving a large portion of the export of salt to the ports on the east coast, 1101-1106.

The town dues paid at Runcorn are almost as much as the local rates, 1106, 1116——The sum paid for lights and buoys is not an imposition, but its expenditure should be accounted for, 1106, 1107——Extent to which the import trade in pig-iron has been affected by the town dues, 1108-1110——Runcorn gets no benefit from the Liverpool town dues, 1113——Amount of more than 2,500 *l.* a year paid in town dues at Runcorn, 1114-1116.

Opinion that the conservancy of the Mersey is all for the benefit of Liverpool, and not at all for the benefit of Runcorn, 1122-1126——Witness has nothing to object to in the dock dues, 1127-1129——The town dues have a considerable influence in diverting the pig-iron

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Hayes, William. (Analysis of his Evidence)—*continued.*

pig-iron trade from Liverpool, 1130, 1131——Large amount which witness would save yearly if he were a freeman of Liverpool, 1135-1141.

The town dues are especially prejudicial to the trade of Liverpool in low-priced articles, 1142-1149. 1152——The prosperity of Liverpool is owing to its being the finest port in the kingdom, 1150-1152——Further evidence relative to the great advantage gained by freemen over non-freemen in the salt, coal, and other trades, 1153-1166——As regards the salt trade, the advantage of being a freeman is especially apparent, 1154-1160.

Headlam, Thomas Emerson, M.P. Draft Report proposed in Committee by Mr. Headlam, *Rep. p.* x, xi——The same negatived on a division by a majority of one vote, that of the Chairman, *ib.* xi.

Heelis, Stephen. (Analysis of his Evidence.)—Is Mayor of Salford; practises as a solicitor in Manchester, 1816, 1817——For several years past, Salford, in common with Manchester, has warmly taken up the question of the Liverpool town dues, 1818-1820——The objection lies merely to their non-application to shipping purposes, 1820. 1825, 1826——The business of Salford consists of general manufacturing, as at Manchester, 1821, 1822——Witness represents the views of the corporation of Salford on the subject under inquiry, 1827.

It is understood that town dues are claimed by Liverpool in respect of all goods coming within the port, that is, all over the waters of the Mersey, 1828, 1829——Witness maintains that the claim of the corporation to levy the dues arbitrarily, and without limit, is not legal, nor reconcilable with common law, 1830 *et seq.*——If the question were free from the difficulties cast around it from time to time by legislation, it could not be sucessfully maintained by the corporation in a court of law, 1831 *et seq.*

Absence of authority in the Crown to have granted power to tax arbitrarily, as in the case of the town dues, 1833, 1834. 1880-1891. 1922-1926. 1939-1954——Obstacle to a proper contest of the question in a court of law, on account of the ample funds at the disposal of the corporation, and of the heavy expense to the contesting party, 1835. 1856-1859——Grounds for the statement that the question of title to the dues has been much embarrassed by Acts of Parliament relative to the port of Liverpool, 1836-1859——Reason for the badness of the title being only mooted of late years, 1846.

The chief objection to the dues is, that no consideration is given for them, 1849. 1920 *et seq.*——Belief that the original right to the dues was necessarily attended with an obligation to give something in return to those who paid them, 1851-1854. 1865-1876. 1917-1926——Impossibility of stating the amount paid by Salford in town dues, 1860-1862——The right and practice of the corporation of Liverpool in the matter are fair subjects for Parliamentary interference, 1863-1866——Operation of the Municipal Corporations Amendment Act adverted to as interfering with the appropriation of property vested in corporations, 1864, 1865.

Admission by the corporation, upon two occasions of legal proceedings, that there were obligations imposed in right of the dues, 1868, 1869. 1873——The original obligations have not been affected by the Municipal Corporation Act, but the corporation has practically repudiated all obligation, 1870. 1874-1879——Belief that originally the Crown never pretended to grant the dues as since taken by the corporation, 1880 *et seq.*——Improbability of the amounts now levied having been levied in the time of Charles the First, or before the original grant, 1892-1910.

Belief that in point of law no grant could have been made of tolls or dues on articles not known at the time of the grant, 1903-1905. 1939-1954——Opinion that identity and continuity are necessary; else the right to the dues is vitiated, 1906-1922——Modern existence of the present port of Liverpool adverted to, with reference to the original grant of the dues, 1907-1909. 1946-1948——Reference to "Cruise's Digest" in support of witness' views as to the vitiation of the right to the dues, 1921-1925——Statement as to the arbitrary character of the dues, notwithstanding that the charges are for the most part fixed by tariff, 1927-1938.

Helford. Collection of ancient petty customs at this port, *Shuttleworth* 3707-3710.

Henderson, Mr. Reference to the refusal of Mr. Henderson, as chairman of the Liverpool Dock Committee, to affix the seal of the committee to a petition against the proposal to rate the docks, *Bancroft* 2542, 2543. 2552-2557.

See also *Docks* (*Liverpool*), I. 3. II. 3.

Heron, Joseph. (Analysis of his Evidence.)—Is Town Clerk of Manchester, 1——Has especially directed his attention to the question of Liverpool town dues, more particularly since the Shipping Dues Commissioners' inquiry in 1854; 2——Refers to the evidence before these Commissioners in 1854, as showing that very little, if any, of the money received from town dues had been expended by the corporation for the benefit of trade

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Heron, Joseph. (Analysis of his Evidence—*continued.*

and commerce, and that the corporation denied that they were legally bound to make any return for the dues, 2——Considers the question a matter of vital importance, not only to Manchester and Liverpool, but to trade and commerce generally, 3.

Immense commercial progress of Liverpool during the last and present century, 3——Enormous increase in the amount derived from dock rates, 3——Enormous increase also in the amount of town dues, 3——Belief that the latter now amount to about 150,000 *l.* a year, 3. 8. 13——Statement as to a large amount of the town dues finding its way into the pockets of the freemen of Liverpool, 3. 8——Reference to a pamphlet by Mr. John Finch, a merchant of Liverpool, upon the amount derived from town dues, and the application of the money, 3–8.

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Holliday, William. Reference to Mr. Holliday, of Birmingham, as authority for the statement that the freemen of Liverpool make large profits as forwarding agents, through their exemption from the town dues, *Lloyd* 2158–2162.

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Letter from Mr. Lloyd to the Chairman of the Committee, dated 30 May 1856, stating that he had misunderstood the views of Mr. Holliday upon the privileges of the freemen, and letter of Mr. Holliday inclosed therein, dated 27 May 1856, in correction of the statement made by Mr. Lloyd, *Ev. p.* 208.

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Hornby, Joseph (the late.) Reference to statements by the late Mr. Hornby as to the very large amount levied in dues at Liverpool, and as to the inequality with which levied, *Heron* 3. 63.

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I.

Illegality. See *Title to Town Dues.*

Illingworth, William. Examination of Mr. Illingworth, on the part of the corporation of Liverpool in their action in 1833 against Bolton and others; documentary evidence produced by him as to the title to the town dues, *App. p.* 528–534. 538–545. 602–605.

Imports. Belief that not less than half the imports of the kingdom come into Liverpool, *Gibb* 2982——Calculation as to the town dues paid on imports of sugar, tea, coffee, flour, rice, cotton, &c., *ib.* 2982, 2983.

Increase of Town Dues. Belief that the corporation of Liverpool have the power of increasing the dues upon new articles, *Heron* 251–254——Increase of the dues in 1674, there being also an arbitrary rate fixed by the collector on new articles from time to time, *Part* 3642, 3643. 3647–3650. 3683–3687.

The corporation do not claim any right to increase the dues which they have once levied, *Shuttleworth* 4061. 4928, 4929——With regard to alteration and increase in former years in the dues for anchorage and the dues on tallow, coal, &c., witness cannot explain the circumstances under which they were made and does not claim a right to raise or alter the dues, *ib.* 4438–4457.

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Indigo. Large dues paid at Liverpool upon indigo as imported by Messrs. James Collier, Harter & Co., of Manchester, *Heron* 75.

Inappreciable effect of the town due on indigo, *Shand* 4957——The town due is 4 *d.* upon a chest worth about 50 *l.*, *ib.*

Inequality. Great inequality of the local dues upon various articles imported into Liverpool, *Heron* 62–66. 202; *Rigby* 506; *Hutchinson* 933——Extracts from the First Report of the Municipal Corporation Commissioners with reference to the great inequality in the mode of levying Liverpool town dues on certain articles, *Heron* 62–66——Remarks in the report as to the severe way in which the inequality affects the interests of the merchants being non-freemen, *ib.* 63–66——Extracts from the evidence of several merchants before the Municipal Commissioners on the subject of the inequality of the dues, *ib.* 63, 64.

See also *Arbitrary Character of Town Dues.* *Brass Plate (Town Dues).* *Tariffs.*

Injustice. The oppression or injustice in the matter of the Liverpool town dues mainly lies in there being no return given for the dues, *Heron* 107. 138–141. 146–155. 159, 160. 247–250; *Ashworth* 700, 701; *Blackwell* 1487–1492; *Pearson* 1535–1537. 1578. 1659–1669; *Lupton* 1720. 1752. 1758. 1763. 1785, 1786; *Heelis* 1849 *et seq.* 1920; *Lloyd* 2115 *et seq.*; *Bancroft* 2376. 2432. 2476, 2477; *Livsey* 2567. 2600 *et seq.*; *Crossley* 2755 *et seq.*; *Charley* 2937–2946; *Gibb* 2986. 2994. 3004, 3005; *M'Adam* 3435–3454——Though there is no port equal to Liverpool in its advantages and accommodation, it is not the less unjust to raise taxes from commerce, from which taxes commerce derives no benefit, *Heron* 233, 234——The injustice of the dues is a sufficient reason for their unconditional abolition, *Livsey* 2658. 2664–2671. 2680–2685. 2691–2693.

Opinion as to the injustice of depriving the corporation of the dues, or of their application, *Stewart* 5114–5117.

See also *Application of Town Dues.* *Title to Town Dues.*

Inland Carriage. Considerable reductions made during the last five years in the carriage of salt inland by railways and canals; particulars hereon, *Worthington* 1224–1241——Less charge upon railway carriage, and still less charge for canal carriage of salt to London than the charge or expense by sea, *ib.* 1225–1237——Grounds for complaint in regard to the heavy expense of sea carriage *viâ* Liverpool as compared with canal carriage, *ib.* 1225. 1238–1241.

Material reduction of late years in the cost of inland carriage from Halifax to Liverpool, and to London, in consequence of the railways, *Crossley* 2761–2764.

List of tolls charged on certain canals, *App. p.* 407——Papers showing the expense of inland carriage in the case of coals, from certain parts of Lancashire, *ib. p.* 408.

See also *Salt*, 5.

Ipswich. Collection of ancient petty customs at this port, *Shuttleworth* 3707–3710.

Cessation since 1844 of payments to Ipswich under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for local dues and pilotage, *App. p.* 412. 414——Cessation since 1837 of payments in respect of claims for river dues, *ib.*

Ireland. The charge for Liverpool town dues is nearly twice as high in the case of Irish produce coming to Liverpool as of English produce shipped to Ireland, *Pearson* 1655–1659——Feeling throughout the North of Ireland that the Liverpool town dues are a great grievance, *Charley* 2934–2936——General feeling of the linen and other traders of Ireland, as to the grievance of the Liverpool town dues, no consideration being given, *M'Adam* 3417, 3418. 3435–3454.

Considerable extent to which the produce generally of Ireland is taxed in the shape of the town dues, *M'Adam* 3427–3430——Very considerable extent to which the agricultural produce contributes to the dues, *ib.* 3427–3429——Great advantage of the Irish trade to Liverpool, *ib.* 3428, 3429——The Irish producer is the party who pays the dues, *ib.* 3430.

Composition in 1829 and subsequently, whereby in the case of goods exported to or imported from Ireland, the dues have been levied at the same rate as upon the coasting trade, *App. p.* 513–515.

See also *Belfast.* *Cork.* *Dublin.* *Waterford.* *Wexford.*

Irish. Cessation, since 1837, of payments to the port of Irish under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for lights, *App. p.* 412, 414.

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IRON TRADE:

1. *Generally, as to effect of the Liverpool Town Dues.*
2. *Runcorn.*
3. *South Staffordshire.*
4. *Stoke-upon-Trent.*
5. *Ulverstone District.*
6. *Railway Companies.*

1. *Generally, as to effect of the Liverpool Town Dues:*

Particulars relative to the loss of carriage by witness of a quantity of iron from Staffordshire to Lancaster on account of the Liverpool town dues, *Hayes* 1087–1094——Severe pressure of the town dues on iron ore, *ib.* 1094–1097——The town dues have a considerable influence in diverting the pig-iron trade from Liverpool, *ib.* 1108–1110. 1130, 1131——Proportion borne by the town dues of 6*d.* per ton on exports to the price of iron, *Blackwell* 1417.

Effect of the dues in tending to drive the export iron trade from Liverpool, *Bancroft* 2378——The town dues on export iron are 6*d.* a ton, which is sometimes rather a heavy burden, *Vickers* 2846. 2851——Belief that the dock dues are less than the town dues on iron, *ib.* 2859. 2861——Large amount of the dues on the article of iron, *Schneider* 3464 3470.

2. *Runcorn:*

Great extent to which the Runcorn pig-iron trade has been affected by the Liverpool town dues of 3*d.* a ton, *Rigby* 470–480. 516–518——Diversion of import iron trade from Runcorn to Fleetwood and Poulton, in consequence of the Liverpool town dues, *ib.* 470–475. 516–518.

3. *South Staffordshire:*

Witness carries on a large business in the iron trade at Dudley, *Blackwell* 1388–1390——Represents on the present occasion the entire pig-iron trade of the South Staffordshire district, *ib.* 1391–1393——Various ways in which the Liverpool town dues act with disadvantage on the iron trade of this district, *ib.* 1394–1403——Amount of about 7,500*l.* a year paid in town dues on iron by the district, *ib.* 1395–1402.

Great competition which has sprung up in the iron trade between Middlesborough in Yorkshire, and the Staffordshire district, *Blackwell* 1403–1416——Disadvantages on the score of town dues, &c., under which the Staffordshire district labours in competition with Middlesborough, *ib.* 1406–1410. 1415, 1416——Circumstance of the South Staffordshire iron trade having entirely come into existence since the charter under which the Liverpool corporation claim the town dues was granted, *ib.* 1420——Immense extent of the trade at the present time, *ib.*——Opinion that the district has suffered more than it would have done if the town dues had remained in the hands of the Crown, *ib.* 1421–1425. 1432–1435.

Witness's attention was first called to the pressure of the Liverpool town dues on the South Staffordshire trade at the time of the report of the Shipping Dues Commissioners in 1854, *Blackwell* 1427, 1428——Iron ore is brought from Runcorn to Staffordshire partly by rail and partly by canal; average charge for the carriage, *ib.* 1429, 1430——The mineral property in the Staffordshire district is entirely in the hands of private individuals, *ib.* 1431——Strong and general feeling amongst those engaged in the iron trade in South Staffordshire that the town dues are an unjust tax, *ib.* 1472–1492——There would be no complaints if the whole proceeds of the tax were spent in the improvement of the port, *ib.* 1487–1492.

As regards the dues upon iron exported, witness entirely concurs in the evidence of Mr. Blackwell, *Lloyd* 2143, 2144.

4. *Stoke-upon-Trent:*

Reference to the large trade in iron which has lately sprung up in the neighbourhood of Stoke-upon-Trent; extent to which this trade is affected by the Liverpool town dues, *Hollins* 309, 310.

5. *Ulverstone District:*

Witness who resides in London, is engaged in the export of iron ore from the Ulverstone district to Staffordshire, South Wales, &c., *Schneider* 3462, 3463——Complaint that in sending ore from Barrow in the Ulverstone district to Staffordshire, witness's firm has to pay 3*d.* a ton in town dues to Liverpool, though the vessels do not enter the port of Liverpool at all, *ib.* 3464–3470. 3477——Additional 3*d.* per ton on ore, paid by way of Saltney or Morecombe to Wolverhampton, by reason of the operation of the dues, *ib.* 3464——Considerable diversion of the Ulverstone iron trade from the Liverpool route on account of the dues; instances of this, *ib.* 3464–3470.

6. *Railway*

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6. *Railway Companies:*

Owing to the competition of the different routes, the 3 *d.* per ton charged on iron ore mainly comes out of the pockets of the railway companies in communication with Liverpool, *Sinclair* 601.

J.

Johnson, John. (Analysis of his Evidence.)—Is member of the firm of John & Thomas Johnson, merchants at Runcorn, 726-729——Appears on behalf of the interests of Runcorn generally in their opposition to the Liverpool town dues, 730-733——Particulars relative to the exports and imports at Runcorn, as affected by the town dues, 734 *et seq.*——Large trade in coal and salt adverted to, 734, 735——Extent to which the River Weaver is navigable, 736-738.

Evidence relative to the manorial and ferry rights of Runcorn, and to the heavy local taxation consequent thereon, 738-745——Large sum paid by Runcorn towards the lights and buoys below Liverpool, 746-748——The merchants at Runcorn do not receive, in the shape of lights or buoys above Liverpool, any benefit from the toll paid by them to the Liverpool docks, 746-754——Voluntary charge paid by the owners of vessels on the river above Liverpool to the Duke of Bridgewater's trustees for the maintenance of lights and buoys, 750, 751. 754——Amount of the aggregate of local taxation at Runcorn, 755, 756——Payment by the Liverpool Corporation to the Runcorn rates, in respect of the town dues, 757-760.

Amount of the town dues charged on various minerals imported to Liverpool, 760-768——The dues on coals exported from Runcorn are 2 *d.* a ton, 768——Evidence relative to the export of salt from Runcorn, and to the large amount of the due paid on this article in proportion to its value, 768-778——Great disadvantage under which witness, as a salt manufacturer, labours in competition with those who pay no dues, 775, 776.

The navigation of the Mersey above Liverpool could not be carried on if the owners of vessels did not voluntarily tax themselves for the maintenance of lights and buoys, 780——The ordinary vessels trading at Runcorn do not exceed 200 tons burthen; but if the money was forthcoming the river could be made navigable for very large vessels, 781-787——Opinion that Runcorn is not a part of the port of Liverpool, 789-791.

Evidence as to the manner in which the town dues are collected at Runcorn, 792-799——Amount, about 2,500 *l.* a year in town dues, paid on Runcorn goods, or goods passing through to the Potteries, 803-806——Great hardship resulting to Runcorn from the right of the Marquis of Cholmondeley to the ferry; proper title, however, of the latter, 807-824——Statement that the town due on salt frequently amounts to more than the profit of the manufacturers, 825-831.

Great advantage gained by the freemen of Liverpool in not having to pay town dues on salt, &c., 832-838. 849, 850——Competition which has arisen in the salt trade within the last few years, 839-848——Further evidence as to the ferry over the river at Runcorn; complaint of the heavy charge and bad accommodation, 851-866——Opinion that the Corporation of Liverpool ought to contribute towards the provision of lights and buoys up to Runcorn, 869-882.

Jones, Charles Henry. (Analysis of his Evidence.)—Attends before the Committee on behalf of the local Commissioners of Huddersfield, 1787-1791——Feeling in the Huddersfield district that the Liverpool town dues are injurious to its commerce, 1792. 1806, 1807——The dues fall not only on the fancy woollen goods of Huddersfield, but on those of Heckmondwicke, Dewsbury, Cleckeaton, and Holmfirth, which are largely exported through Liverpool, 1794-1796. 1803-1806.

The wool and other raw materials of manufacture in Huddersfield are also largely subject to dues on importation, 1797-1802. 1809-1811——If the dues were expended for the purposes of shipping they would not be objected to, 1808——The trade of the Huddersfield district is increasing notwithstanding the pressure of the dues, 1812-1815.

K.

Keel Toll. The term "keel toll" is interpreted as synonymous with anchorage, *Shuttleworth* 4086, 4087.

Kelly, Sir Fitzroy. Remarks on a reference in an answer before the Shipping Dues Commissioners at Liverpool, to the opinion of Sir Fitzroy Kelly and others relative to the town dues, *Heron* 22.

Explanation as to the reference by witness, in his evidence before the Shipping Dues Commissioners, to an opinion of Sir Fitzroy Kelly; reason for such opinion having been taken, *Shuttleworth* 4554-4556.

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Kidderminster Carpets. Equal effects of the Liverpool town dues upon Kidderminster carpets as upon Halifax carpets, *Crossley* 2765, 2766.

L.

Laird, Mr. Statement relative to the puachase by the Liverpool Corporation of land at Wallasey and Birkenhead from Sir J. Tobin and Mr. Laird for 182,000 *l.*, *Heron* 132.

Lancaster. Collection at the present time of ancient petty customs at Lancaster, *Shuttleworth* 3707–3710.

Lancaster Freemen. Reference to a litigation in 1692 between the corporation of Liverpool and the freemen of Lancaster on the subject of payment of Liverpool town dues by the latter; there was no decision in this case, *Heron* 24–30.

Explanation that in the case in 1692 between the corporation of Liverpool and Lancaster, the corporation alleged they were in the habit of making expenditure on the harbour, &c., but did not admit that such expenditure was obligatory upon them; report of the case cited, *Shuttleworth* 3874——The freemen of Lancaster have continued to pay town dues ever since the decision in this case, *ib.* 3875, 3876——The title set up by the corporation was by prescription, *ib.* 3877.

Landing Stage (Liverpool). Opinion that the large landing-stage, for the benefit of ocean steamers, in the course of construction out of the town dues, is an unauthorised expenditure under the Municipal Corporation Act, *Heron* 97–107——Further evidence relative to the landing-stage constructed for the benefit of the inhabitants in 1844, but paid for out of the dock funds, *ib.* 124–128——Opinion that the landing-stage is calculated rather to injure than to benefit the dock estate of Liverpool, *ib.* 125——The new landing-stage will be no benefit to the colonial ships, *Morrisay* 1319, 1320. 1343–1349.

Explanation relative to the landing-stage about to be erected by the corporation at an estimated expense of 130,000 *l.*; no charge will be made for the use of it, and the money borrowed for its erection will have to be liquidated by means of a sinking fund, *Shuttleworth* 3726——The cost of keeping up the stage and providing attendants will be about 2,000 *l.* a year, *ib.*

Admission that the landing-stage does not benefit the dock estate, *Shuttleworth* 4795, 4796. 4811——The reason given before the Committee of the House of Commons for the formation of the stage was, that through the construction of the docks, it was required for the convenience of the Cheshire side of the river, *ib.* 4796. 4809–4811——Statement that the corporation had nothing whatever to do with the Bill, requiring the construction of the stage, and knew nothing of the clause in question till the Bill had passed, *ib.* 4796–4820——The Dock Committee promoted the Bill, and it was approved by the council; but the clause relative to the landing-stage was inserted without the cognizance of the council on the passage of the Bill through Parliament, *ib.* 4802–4820. 4852. 4854. 4861–4865——Clause in the Act 8 Victoria, requiring the construction of this landing-stage, *ib.* 4820.

Further examination relative to the landing-stage, and further defence of the Corporation in the matter, *Shuttleworth* 4852–4868——Requirement in former Acts, viz., the 4 Vict., c. 30, and the 7 & 8 Vict., c. 80, for the construction of a landing-stage, *ib.* 4855–4860.

Langdale. Lord. Judgments of Lord Langdale adverted to as showing that the Municipal Reform Act does not constitute new corporations, or alter the rights or liabilities of the old corporations, *Shuttleworth* 4008–4016.

Lard. Town due of 1 *s.* per ton on lard imported into Liverpool, *Vickers* 2870.

Law Proceedings. Prospect of excessive expense which deters private parties from contesting in a court of law the claim of the Corporation of Liverpool to town dues, *Heelis* 1835. 1856–1859; *Bancroft* 2495–2502; *Blundell* 2818; *Part* 3645, 3646——Heavy expense of contesting the claim of the Corporation adverted to as the reason why witness does not claim exemption from the dues as regards his property at Southport, &c., in a court of law, *Blundell* 2818.

See also *Corporation of Liverpool* v. *Bolton & others. Lancaster Freemen. London Freemen. Newcastle-upon-Tyne. Title to Town Dues. Trinity House* v. *Steben.*

Leeds. Witness is vice-president of the Leeds Chamber of Commerce, and has been deputed by the chamber to give evidence before the Committee, *Lupton* 1717–1719——Strong complaint in Leeds against the Liverpool town dues, more especially on the ground of their injustice, there being no equivalent given, *ib.* 1720. 1752. 1758. 1763, 1764. 1785, 1786——Payment of about 350 *l.* or 400 *l.* a year in town dues upon packages from Leeds shipped at Liverpool, *ib.* 1721–1725——Amount of property of the Leeds corporation adverted to, *ib.* 1736, 1737——Appreciable effect of the dues on the Leeds trade, though

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though only 2 *d.* on packages worth 200 *l.* or 300 *l.*, *Lupton* 1750–1752. 1757–1759. 1784–1786——The first active steps taken by Leeds with reference to the dues, were upon the introduction of the Bill under consideration, *ib.* 1753, 1754——The cost of carriage and the dues on Leeds goods are paid entirely by the purchaser, *ib.* 1772–1783.

Legal Proceedings. See *Law Proceedings.*

Legality. See *Title to Town Dues.*

Leith. Reference to the Act abolishing certain petty customs, payable in the port of Leith, as also providing that compensation be awarded, *Shuttleworth* 3028–3030.

Cessation since 1848 of payments to Leith under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for dock and harbour dues, *App. p.* 411. 413——Cessation since 1821 of payments in respect of claims for anchorage, *ib.* 412. 414.

Lighthouses. Reference to the authority of the corporation of Liverpool under the Act 2 Geo. 3, to purchase and hire land for the erecton of lighthouses, *Shuttleworth* 3915——The corporation have expended 30,457 *l.* in the erection of a lighthouse at the Rock, *ib.* 3926.

Compensation provided under the Act 6 & 7 Will. 4, c. 79, relative to the purchase of lighthouses, *Shuttleworth* 4022.

Lights. See *Buoys and Lights.*

Limestone. Value of the limestone consumed in the alkali trade at Widnes; the town dues paid thereon amount to about two and a half per cent., *Hutchinson* 904.

Limits of the Port of Liverpool. Explanation of the limits of the Customs port of Liverpool, *Heron* 49–51; *Hull* 1185–1188; *Shuttleworth* 1199–1202——Power of the Admiralty to extend the limits of the port, *Bancroft* 2492 —— Plan showing the custom-house limits, *App. p,* 703.——*See* also *Title to Town Dues.*

Linen Trade, Ireland. Calculation of the total amount paid in Liverpool town dues by the Irish linen trade, *M'Adam* 3421, 3422——The dues on linen are 4 *d.* on cases and bales, and 2 *d.* on boxes; difficulty consequently in arriving at the aggregate amount paid, *ib.*

Liverpool Anchorage Dues. See *Anchorage Dues.*

Liverpool Corporation. See *Corporation of Liverpool.*

Liverpool Docks. See *Birkenhead Docks. Docks* (*Liverpool*).

Liverpool Pilotage. See *Pilotage* (*Liverpool*).

Liverpool Town Dues. See *Abolition of Town Dues* (*Liverpool*). *Application of Town Dues. Arbitrary Character of Town Dues. Birkenhead Docks. Bristol. Collection. Compensation. Corporation of Liverpool* v. *Bolton and others. Debt. Diversion of Trade. Enforcement of Payment. France. Freemen. Grievance. Increase of Town Dues. Inequality. Injustice. Ireland. Management. Manchester. Municipal Corporations Act. New Articles. Passing Tolls. Rates. Reduction of Town Dues. Runcorn. Salt. Street Improvement. Tariffs. Title to Town Dues.*

Liverpool, Trade of. See *Trade.*

Livsey, Thomas. (Analysis of his Evidence.)—Is one of the Commissioners of Improvement of the town of Rochdale, and attends before the Committee on behalf of that body, 2558–2560——Gave evidence before the Shipping Dues Commission as to the injustice to Rochdale by reason of the town dues at Liverpool, 2561–2564——The feeling in Rochdale against the dues arose upon the fact being made known before the Commission that the dues went into the pockets of the people of Liverpool, 2565, 2566. 2614. 2688 The injustice of the dues consists in there being no consideration given in return, 2567. 2600 *et seq.*

Particulars relative to the export and import trade of Rochdale, and the manner and extent of the effect thereon of the town dues, 2568–2595. 2610–2613. 2672–2675. 2686, 2687—— The town dues on the imports to Rochdale and its vicinity are about 2,500 *l.* a year, 2576–2579. 2583. 2610, 2611——Equal amount paid by some firms in town dues as in local rates, 2587, 2588——Rochdale pays altogether about 4,100 *l.* in town dues, or about two-thirds of the amount of the local rates, 2591. 2595. 2672.

Statement that the people of Liverpool levy no borough rate at all, in consequence of the town dues, 2595–2598——Bad case made out by the advocates for the town dues before the Shipping Dues Commission, 2596–2599. 2609——If the dues were expended

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for shipping purposes, witness would have no objection to them, 2602. 2676——Illustration of the neglected state of the Mersey on the Chester side, 2602–2604——Injustice in the payers of the dues not being represented in their expenditure, 2606, 2607. 2631 *et seq.*

Inference unfavourable to the title in its being referred to such a reign as that of Charles the First, 2609——The Crown could not grant so monstrous a charge as that of town dues involving no obligation, 2609. 2671——Complaint against the dues in connexion with the large supply of stones and flags sent through the town of Rochdale to Liverpool, 2615–2625——Belief that the abrogation of the dues would ultimately be a decided benefit to Liverpool itself, 2618. 2627, 2628. 2689–2691——It is contended by the corporation of Liverpool that they are not under any obligation to make a return for the dues, 2622. 2651. 2670.

The Mersey cannot be considered the property of the corporation of Liverpool, 2631——The corporation should not be both buyers and sellers in the case of land required for the docks, 2631——Suggestions for the constitution of a proper body to manage both the dock and town dues; all towns within forty or fifty miles of Liverpool and the Board of Trade should be represented, 2632–2650——Inasmuch as witness contends that the corporation have no right to the dues, and that they are unjust, he cannot admit the principle of compensation in the matter, 2651–2671. 2680–2685. 2691, 2692.

Witness contends that the injustice of the dues, whatever the original grant or title may have been, whether by Act of Parliament or otherwise, is a sufficient reason for their unconditional abolition, 2658. 2664–2671. 2680–2685. 2691–2693——If the Municipal Corporation Act sanctions the application of the dues to the purposes of the town, the sooner it is repealed the better, 2677–2681——Respect in which it may be said that the present corporation has got the property under Act of Parliament, 2693–2703.

Special benefit to the freemen of Liverpool in their exemption from the dues, 2696. 2708–2710——Some freemen get as much as 1,000 *l.* a year by their exemption, 2696. 2708——There are somewhat more than 600 freemen, who benefit by the remission of the tax, 2704–2707——Circumstance of Mr. Horsfall being a freeman, 2706. 2708——Illustration of the mode in which the exemption of freemen works unjustly, 2708——Possibility of the freemen being entitled by right to exemption, 2709, 2710.

Lloyd, Thomas. (Analysis of his Evidence.)—Was, till recently, a partner in the firm of Rabone, Brothers, & Company, hardware exporters at Birmingham, 2109–2112——Has been deputed to give evidence on the part of the Birmingham Chamber of Commerce, 2113, 2114. 2141, 2142——First directed his attention to the subject under inquiry about twelve months ago, on becoming cognisant of the fact that the Liverpool town dues were not applied to the purposes of shipping, 2115–2117.

Complaint that the tax paid by the manufacturers or exporters of Birmingham and Sheffield goods, &c., in town dues goes to the relief of the ratepayers of Liverpool, 2118, 2119——Belief that nine-tenths of the manufactures in hardware, &c., in the midland counties, or about 4,000,000 *l.* in value, is exported annually from Liverpool, 2120–2130. 2146–2148——Witness's firm has paid an average of about 2 *s.* 2 *d.* per cent. in dues on exports of hardware, &c., 2131——Average of 3 *s.* 1½ *d.* per cent. paid by Messrs. Van Wert, Son, & Co., of Birmingham, *ib.*——From 4,000 *l.* to 5,000 *l.* a year is paid in dues on hardware and other articles sent from the Birmingham, &c. district, 2132.

Witness's firm paid about 90 *l.* last year in town dues, whereas their local rates were only 54 *l.* 15 *s.* 6 *d.*, 2133–2138——Reference to the forwarding agents' notes as showing the amount paid by the firm, 2133. 2138. 2149, 2150. 2167, 2168——As regards the dues upon iron exported, witness entirely concurs in the evidence of Mr. Blackwell, 2143, 2144——Undue advantage of forwarding agents, if freemen, in their exemption from the dues, 2145——Practice of agents who are freemen to ship goods in their own name, and to claim exemption, though the manufacturer has paid the dues, 2152–2162. 2169–2171——Authority of Mr. Holliday, of Birmingham, for the foregoing statement, 2158–2162——Less expense of carriage from Birmingham to Liverpool than from Birmingham to London, 2163–2166.

[Second Examination.]—Delivers in some returns, (*App. p.* 410,) forwarded by the shipping agent of Messrs. Rabone, Brothers, & Co., at Liverpool, showing that very nearly as much is paid for town dues as for dock dues, 2802–2804.

London. Circumstance of the charges on timber imported into London being higher than the charges on timber imported into Liverpool, *Morrissey* 1326, 1327. 1340–1342——Reason why general port charges are higher in London than in Liverpool, *Fernie* 1369–1372——Equal advantage of London as of Liverpool in regard to the time occupied in certain voyages, *Pearson* 1544–1546.

Collection at the present time of ancient petty customs at the port of London, *Shuttleworth* 3707–3710.

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Witness shows that in shipping goods from London instead of from Liverpool, to Ceylon, he saves a considerable sum, notwithstanding his exemption as a freeman from the dues, *Shand* 4949.

London Freemen. Litigation in 1695 with the freemen of London on the question of their liability to the Liverpool town dues; the decision was in favour of their exemption, *Heron* 30–35.

The litigation in 1695 between the corporation of Liverpool and the citizens of London was with reference entirely to the exemption of the latter from the dues, *Shuttleworth* 3878——The decree was, that freemen of London were exempt; this however has since been confined to freemen resident within the city, *ib.*—— The title set up by the corporation was not entirely by prescription, *ib.* 3879. 3900, and *App. p.* 471–474 —— In London seventeen freemen claim exemption; of these, six only have availed themselves of the privilege, *ib.* 3926.

Londonderry. Cessation since 1844 of payments to Londonderry, under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for quay dues, *App. p.* 411. 413——Cessation since 1855 of payments in respect of claims for pilotage, *ib.*

Existing claim of Londonderry on the consolidated duties of Customs under the Act 59 Geo. 3, c. 54, in respect of harbour dues; the date of first payment was in 1828, *App. p.* 415.

Longships. Cessation since 1837 of payments to Longships, under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for light dues, *App. p.* 411. 413.

Lostwithiel. Existing claim of Lostwithiel on the consolidated duties of Customs under the Act 59 Geo. 3, c. 54, in respect of harbour dues; the date of first payment was in 1852, *App. p.* 415——Total amount of 1 *l.* 9 *s.* 4 *d.*, claimed on account of differential dues in the year 1855, *ib.* 416.

Lowe, James. Statement of Mr. Lowe, solicitor for the defendants in the action in 1833, in which the corporation of Liverpool were the plaintiffs, that the object of the proceedings of the defendants was the revision, and not the abolition of the town dues, *Heron* 41 ——Reference to the evidence of Mr. Lowe before the Municipal Corporation Commissioners in 1833, as showing that there were three distinct tables of tolls, dated respectively 1613, 1674, and 1790, and that there had been frequent instances of increased dues, *Part* 3683. 3685–3687.

Mr. Lowe had certain documents in his possession at the trial of 1833, but did not produce them; he did, however, subsequently produce them before the Municipal Corporation Commission at Liverpool, *Shuttleworth* 3844. 4329. 4377. 4445——Reference to a statement by Mr. Lowe, that the object of the associated merchants was not the abolition, but the reduction and equalization of the dues, *ib.* 4466, 4467. 4533. 4538, 4539.

Lupton, Darnton. (Analysis of his Evidence.)—Is senior partner of the firm of William Lupton & Co., cloth merchants, at Leeds, 1715——Is vice-president of the Leeds Chamber of Commerce, and has been deputed by the Chamber to give evidence before the Committee, 1717–1719 —— Strong complaint in Leeds against the Liverpool town dues, more especially on the ground of their injustice, there being no equivalent given, 1720. 1752. 1758. 1763, 1764. 1785, 1786——Payment of about 350 *l.* or 400 *l.* a year in town dues upon packages from Leeds shipped at Liverpool, 1721–1725 ——Due of 4 *d.* per pack upon wool imported at Liverpool, for the West Riding, &c., 1726–1731.

Statement to the effect that the port of Fleetwood owes its rise to the heavy dues and charges at Liverpool, 1731 *et seq.*——Invariable practice to send goods from Leeds to Belfast and the North of Ireland *viâ* Fleetwood; the same attributed partly to the charge of 2 *d.* a package for town dues at Liverpool, 1731–1735. 1739–1752. 1755–1760. 1772–1783——Respective advantages generally of the routes *viâ* Fleetwood and Liverpool to the North of Ireland; the former is the shorter and more rapid, 1735. 1740–1749——Amount of property of the Leeds corporation adverted to, 1736, 1737.

Appreciable effect of the dues on Leeds trade, though only 2 *d.* on packages worth 200 *l.* or 300 *l.*; 1750–1752. 1757–1759. 1784–1786——The first active steps taken by Leeds with reference to the dues were upon the introduction of the Bill under consideration, 1753, 1754—— Non-objection to the dues if properly expended in the way of providing an equivalent, 1764, 1765—— The cost of carriage and the dues on Leeds goods are paid entirely by the purchaser, 1772–1783.

Lymington. Collection of ancient petty customs at this port, *Shuttleworth* 3707–3710.

Lyndhurst, Lord. Quotation from the speech of Lord Lyndhurst upon the Municipal Corporations Bill, as showing the strong recognition by him of the rights of corporate bodies, *Shuttleworth* 4007.

Report, 1856—*continued.*

Lynn. Collection of ancient petty customs at the port of King's Lynn, *Shuttleworth* 3707-3710.

Existing claim of Lynn on the consolidated duties of Customs under the Act 59 Geo. 3, c. 54, in respect of harbour and mooring dues and pilotage; the date of first payment was in 1825, *App. p.* 415 —— Total amount of 160*l.* 2*s.* 6*d.* claimed on account of differential dues in the year 1855, *ib.* 416.

M.

M'Adam, James, Jun. (Analysis of his Evidence.)—Resides at Belfast; is from his position largely connected and acquainted with the flax and linen trade, 3412-3414—— Dues of 4*d.* per ton at Hull, and 6*d.* per ton at Liverpool, on flax sent from Belgium to the North of Ireland, 3415, 3416——General feeling of the linen and other trades of Ireland as to the grievance of the Liverpool town dues, no consideration being given, 3417, 3418. 3435-3454——Belief that single dues only are paid at Liverpool in the case of flax sent *viâ* Liverpool from Derry to Drogheda, 3419-3421.

Calculation of the total amount paid in Liverpool town dues by the Irish linen trade, 3421, 3422——The dues upon linens are 4*d.* on cases and bales, and 2*d.* on boxes; difficulty, therefore, of arriving at the aggregate amount paid, 3421, 3422——Considerable extent to which the Belfast trade is now carried on with Fleetwood and Morecambe instead of with Liverpool, in consequence of the town dues, 3423-3426. 3460, 3461—— The steam companies trading from Belfast to Liverpool are in many cases obliged to contract for the payment of the dues, 3423, 3424. 3440——Disadvantage of the dues to Liverpool, 3425, 3426.

Statement showing that the Liverpool town dues are in many cases considerably higher than the Belfast port dues, 3426——Considerable extent to which the produce of Ireland is taxed in the shape of the town dues, 3427-3430——Great advantage of the Irish trade to Liverpool, 3428, 3429——The Irish producer is the party who pays the dues, 3430.

Circumstance of the Belfast town council having nothing to do with the port, 3431 ——More proper and wiser system in Belfast in regard to port dues and borough charges than in Liverpool, 3431-3437——The main or only objection to the dues is, that no return is made, 3435-3454——The Chamber of Commerce of Belfast are preparing a petition against the Liverpool town dues, 3438——Belfast pays about 1,000*l.* a year in dues, 3441——Inexpediency of a payment by the general public as compensation for the abolition of the dues, 3455-3460.

Maintenance of the Port of Liverpool. See *Abolition of Town Dues (Liverpool). Application of Town Dues. Buoys and Lights. Conservancy of the Mersey. Pilotage (Liverpool). Street Improvements. Title to Town Dues.*

Man, Isle of. Composition in 1829, and subsequently in the case of the Isle of Man, the dues being levied at the same rate as upon the coasting trade, *App. p.* 513-515.

Management. The whole interest of the Mersey should be merged into one management, which should be a public and not a local management, *Bancroft* 2393, 2394——Suggestions for the constitution of a body to have charge of the Liverpool docks, town dues, and conservancy of the Mersey; Lancashire, Cheshire, the rate-payers of Liverpool, and the Board of Trade should each appoint six members, *ib.* 2394-2421. 2478-2481.

Injustice in the payers of the dues not being represented in their expenditure, *Livsey* 2606, 2607. 2631 *et seq.*; *Crossley* 2757-2760——Suggestion for the constitution of a proper body to manage both the dock and town dues; all towns within forty or fifty miles of Liverpool, and the Board of Trade, should be represented, *Livsey* 2632-2650.

Manchester:

1. *Evidence strongly opposed to the Dues at Liverpool.*
2. *Amount paid by Manchester in Liverpool Town Dues.*
3. *Local Rates generally.*
4. *Gas Rate.*
5. *Market Tolls; Question as to their Analogy to the Liverpool Town Dues.*
6. *Town Dues levied at Manchester.*

1. *Evidence strongly opposed to the Dues at Liverpool:*

Witness has more especially directed his attention to the question of Liverpool town dues since the inquiry by Shipping Dues Commissioners in 1854, *Heron* 2. 148, 149. 156-158——Complaint generally that Manchester and other towns, as well as places in Ireland and Scotland, are charged with dues for the benefit of Liverpool, and to the damage of their own interests, *ib.* 2 *et seq.*

Witness is authorised to give the sentiments of the Manchester Chamber of Commerce on the subject of the town and dock dues of Liverpool, *Ashworth* 639——Length of time

for

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MANCHESTER—continued.

1. *Evidence strongly opposed to the Dues at Liverpool*—continued.

for which the attention of the Chamber has been directed to the town and dock dues, but more particularly to the appropriation of the town dues, *Ashworth* 640——Petition submitted to the House of Commons by the Chamber in 1836 on the subject of the grievance of the town and dock dues, *ib.*

Great alarm with which the Bill in 1837 for the better conservancy of the Mersey was viewed by the Manchester Chamber of Commerce, *Ashworth* 640, 641——Petition to the House of Commons that this Bill might not pass into law, *ib.*——Copy of petition presented by the Chamber against the Bill in 1839 for making the Liverpool Docks liable to the poor-rate, *ib.* 642.

Petition presented to the House of Commons by the Manchester Chamber against the Liverpool Improvement Bill of 1854, for raising money on the security of the corporation property, *Ashworth* 646——Copy of a petition presented to the House of Commons by the Chamber in February 1856, in support of the Government Bill for the abolition of passing tolls, and for the regulation of the local dues on shipping, *ib.*——From 1836 to the present time the Chamber has hardly ever had its attention away from the proceedings of the Liverpool corporation, *ib.* 647, 648.

Impression among the merchants in Manchester that, in addition to their rates for municipal expenses, they have to pay rates for the Liverpool merchants and manufacturers, *Ashworth* 688–694——Greater expense of carriage between Manchester and London than between Manchester and Liverpool adverted to, in connexion with the circumstance of the diversion to London of certain trade with the East in Manchester goods, *Pearson* 1522–1526. 1547–1551.

Witness is a director of the Commercial Association of Manchester, and represents the association before the Committee, *Gibb* 2978, 2979——Reference to the steps taken by the association in giving evidence before the Shipping Dues Commissioners, *ib.* 2980——Copy of petition by the association in support of the Local Dues on Shipping Bill, *ib.* 2981——If the money taken in dues were expended on the port, the people of Manchester would have no objection to pay them, *ib.* 2986. 2994. 3004, 3005.

2. *Amount paid by Manchester in Liverpool Town Dues:*

Calculation that the Manchester district pays, directly or indirectly, about 40,000 *l.* annually in town dues to Liverpool, *Gibb* 2982. 3013, 3014.

3. *Local Rates generally:*

Items of municipal expenditure in Manchester adverted to, as showing that they are necessarily met by special rates for the purpose, *Heron* 84. 86——Practice at Manchester of assessment for the rates, *ib.* 275–277.

With reference to a certain return, by order of the Committee, witness explains that the municipal boundary of Manchester comprises the townships of Manchester, Chorlton-upon-Medlock, Hulme, Ardwick, and Cheetham, *Heron* 2009, 2010——The return does not include the small extra-parochial place of Beswick; the rates in this locality are very heavy, *ib.* 2011.

Witness recites the return, giving particulars therefrom as to the amount respectively of the poor-rate, the township-rate, the highway-rate, and the water-rate, in each of the townships adverted to, for the years 1851–52, 1852–53, 1853–54, and 1854–55, *Heron* 2011–2013——The township-rate includes the expenses of lighting, scavengering, &c., *ib.* 2011. 2015——The water-rate applies to the whole of the city, and is a rate for public purposes, *ib.* 2011. 2013——In 1851–52, and in 1852–53, the four rates referred to amounted to 5*s.* 4*d.* for the whole of the townships, and in 1853–54 and 1854–55, to 4*s.* 10*d.*; *ib.* 2013.

During the years 1833–55, an aggregate sum of about 548,000 *l.* was expended in the several townships in sewering and paving streets, such sum having been payable by the owners of property in such streets, *Heron* 2013——There is a deduction of one-sixth from the gross annual value in order to obtain the rateable value, *ib.* 2013, 2014.

4. *Gas Rate:*

Explanation as to the charge on gas at Manchester by the corporation, as connected with the water supply, *Heron* 261–274——Denial that the gas-rate payers pay an undue proportion in comparison with the water-rate payers, *ib.* 261–268——The gas is charged at what it is worth, and nothing more, and the price is not unusually high with reference to the quality, *ib.* 262–272.

5. *Market Tolls; Question as to their Analogy to the Liverpool Town Dues:*

Evidence relative to the market toll at Manchester, formerly belonging to Sir Oswald Moseley, but purchased by the corporation for 200,000 *l.*, *Heron* 175–188——Great distinction between a market toll and a town due, *ib.* 180, 181. 185–188——About 15,000 *l.* a year is raised from the tolls, the receipts when the corporation purchased them having been

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Manchester—continued.

5. *Market Tolls, &c.*—continued.

been only about 9,000 *l.* a year, *Heron* 182. 188——Admission that nothing like the amount received from the market toll is expended upon the market, *ib.* 183–185.

Circumstance of the Manchester, Sheffield, and Lincolnshire Railway Company, and the Lancashire and Yorkshire Railway Company, paying respectively 150 *l.* a year and 500 *l.* a year to the Manchester corporation for the right of selling produce in their own stations, not in any way belonging to the corporation; how far any legal right exists, or consideration is given for this charge, *Bancroft* 2482-2489, 2512–2516——Explanation of the right of the Manchester corporation, and of the consideration given by them in regard to the charge of 150 *l.* a year upon the Manchester, Sheffield, and Lincolnshire Railway Company, and of 500 *l.* a year upon the Lancashire and Yorkshire Railway Company, for the privilege of establishing markets at their stations, *Heron* 2534–2541.

With reference to the market toll at Manchester, witness contends that the money taken by the corporation from the railway companies constitutes a case precisely analogous to that of the Liverpool town dues, *Shuttleworth* 3983–3987——Establishment by Sir Edward Moseley of his right to the market tolls, *ib.* 3991, 3992——Their purchase by the corporation for 200,000 *l.* adverted to, *ib.* 3993——Considerable increase in the amount since the purchase by the corporation, *ib.* 3994.

6. *Town Dues levied at Manchester:*

Statement showing that in the year 1849–50 town dues to the amount of 419 *l.* 3 *s.* 2 *d.* were levied in Manchester, *Shuttleworth* 3969——These dues were levied under the Act 7 & 8 Vict. c. 31, for warehousing foreign goods for home consumption; provisions of the Act hereon, *ib.* 3970–3973——The Act provided that any surplus arising from the dues, after paying the Customs officers for collecting, &c., might be applied to local improvements, *ib.* 3973. 3978–3982——The town council of Manchester obtained a list of the Liverpool dues with a view to the working of the Act, *ib.* 3975–3977.

Manorial Rights. Mention of sundry manors within and surrounding the Customs port of Liverpool, *Shuttleworth* 4294-4303——Opinion that any privileges attached to the lords of the manors within the limits of the port do not affect the privileges or rights of the corporation; sundry manors adverted to hereon, *ib.* 4307–4341.

See also *Runcorn*, 6. *Seacombe Manor.*

Manufacturing Districts. Reference to the organization in Manchester, in correspondence with the neighbouring towns, for the right appropriation of the Liverpool town dues; readiness of the towns to co-operate in the matter, *Ashworth* 719–725.

Market Tolls. See *Manchester*, 5.

Mayor, Aldermen, and Burgesses of Liverpool v. *Bolton and Others.* Transcript of the shorthand writer's notes of this trial, which took place in 1833, resulting in a verdict for the plaintiffs, *App. p.* 518–638——Copy of the bill of exceptions, *ib. p.* 639–686.

See also *Corporation of Liverpool.*

Mersey River. See *Application of Town Dues. Buoys and Lights. Conservancy of the Mersey. Ferry (Liverpool.) Navigation of the Mersey. Pilotage (Liverpool). Title to Town Dues.*

Milford Haven. Possibility of Milford Haven becoming some day a formidable competitor with Liverpool, *Heron* 199-201. 216.

Minerals. Amount of the town dues charged on various minerals imported to Liverpool, *Johnson* 760–768.

Minton & Co. As a member of the firm of Minton & Co., which carries on a very extensive business in the manufacture of china and earthenware, witness gives evidence in favour of the abolition of the Liverpool town dues, *Hollins* 280 *et seq*——The import of clay and other materials for witness's firm amounts to upwards of 100,000 tons a year, upon which town dues to the amount of about 1,000 *l.* are paid, *ib.* 286——Upwards of 200,000 packages are exported yearly by the firm of Minton & Co.; amount of dues paid on them, *ib.* 286–291. 293, 294. 300, 301.

Molyneux Family. Former right of the Molyneux family to the Liverpool town dues, *Heron* 22–24——Improbability of the Molyneux family being allowed to levy the dues at the present time, if they had not sold their right to the Liverpool corporation, *Ashworth* 702–704——Litigation in 1555 between the Molyneux family and the corporation, and wording of the suit and judgment in the case adverted to, *Part* 3566-3587——Evidence relative to the lease of the tolls to the corporation in 1555, from year to year, until 1672, when the lease from the Molyneux family was for 1,000 years, *Heron* 53–56; *Bancroft* 2275–2284; *Part* 3588–3596. 3623–3625.

Witness delivers in, and offers explanation upon the suit instituted by Sir William Molyneux against the corporation in 1555, with reference to the dues and other profits of the

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Molyneux Family—continued.

the town of Liverpool, *Shuttleworth* 3757-3761, and *App. p.* 433-447 —— Evidence for the purpose of showing that the Molyneux family had the property before the suit of 1555, and in subsequent years, *Shuttleworth* 3762 *et seq.*——After the grant from Charles the First to the corporation of London, in 1628. the latter sold the property to the Molyneux family, who, in 1672, granted a lease to the corporation for 1,000 years, *ib.* 3772 —— In 1777 the corporation purchased from Lord Molyneux his reversion for 2,250 *l.*, *ib.* 3772-3774.

Witness, who is solicitor to the Earl of Sefton, produces sundry documents bearing upon the question of the town dues, as formerly belonging to the Molyneux family, *Stanistreet* 3903-3906, and *App. p.* 476-482.

Copy of the lease from the Molyneux family to the corporation, dated 27 May 1672, *App. p.* 482, 483——Copy of the deed, dated February 1777, conveying the reversion to the corporation for the sum of 2,250 *l.*, *ib.* 483-486.

Witness delivers in sundry other documents, showing the right of the Molyneux family previously to their lease to the corporation, *Shuttleworth* 3909, and *App. p.* 486-503.

See also *Title to Town Dues.*

Moore, John Bramley, M. P. Reference to statements by Mr. Bramley Moore as to the Liverpool town dues not being applied in a way at all beneficial to commerce, *Heron* 80.

Explanation on some of the evidence of Mr. Bramley Moore (who was chairman of the Liverpool Dock Trust for some years) before the Parliamentary Committee of 1851, *Stewart* 4992, 4993. 5131-5134——Inaccuracy of Mr. Moore's statement before the Parliamentary Committee of 1851, that the dock committee repaired certain streets at their own expense, *ib.* 5131. 5134.

Morecambe. Morecambe, as well as Fleetwood, competes strongly with Liverpool for the trade with Belfast, *Charley* 2953, 2954.——*See* also *Belfast.*

Morrisey, George. (Analysis of his Evidence.)—Is partner in the firm of Morrisey & Chives, timber merchants at St. John's, New Brunswick, 1295-1299——The town dues of Liverpool have attracted the attention, not only of witness, but of people in New Brunswick generally, as being a charge for which they receive no benefit, 1300-1305. 1311. 1321-1325——Amount of town dues paid by witness's firm yearly, 1306 ——Amount of town dues paid by the imports from New Brunswick into Liverpool yearly, 1307-1310.

The town due is about two and a half per cent. upon the invoice cost of the timber at St. John's, 1313——The ships belonging to witness's firm, in returning from Liverpool, frequently ballast with salt and coals, and upon these town dues have to be paid, 1316-1318. 1329, 1330——Opinion that the new landing-stage will be no benefit to the colonial ships, 1319, 1320. 1343-1349——The charges on timber imported into London are higher than at Liverpool, 1326, 1327. 1340-1342——Shipping charges on going into New York, Boston, &c., 1328.

Salt is sometimes brought to New Brunswick from Gloucester as well as from Cheshire, 1331——Particulars as to the Turk's Island salt; there is no competition in New Brunswick between this and the Cheshire salt, 1332-1336——Witness's trade has of late slightly increased, 1350——Nothing but the provincial revenue tax is charged on goods at New Brunswick, 1351, 1352——The principal part of the timber exported by witness goes to Liverpool, 1355, 1356.

Mumbles. Cessation, since 1829, of payments to Mumbles, under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for light, *App. p.* 412. 414——

Municipal Corporations Act. Belief that the 92d section of the Municipal Reform Act would decidedly prevent the representatives of the householders of Liverpool from reducing the town dues, and would prevent the application of the dues for the improvement of the port, *Heron* 221-230——The 92d clause in the Act, by requiring the surplus of any borough fund to be appropriated for the benefit of the inhabitants at large, prevents it from being applied to the amendment of the port, *ib.* 224-230——Operation of the Act adverted to as interfering with the appropriation of property vested in corporations, *Heelis* 1864, 1865.

The application of the Liverpool town dues to the borough fund is determined by the Municipal Corporation Act, *Bancroft* 2304. 2308. 2312. 2314——The Act created an entirely new corporation; but left the question of title to the dues just as it was before, *ib.* 2304. 2308-2311——Belief that, under the Act, the corporation cannot reduce the dues, but can raise them, *ib.* 2318, 2319——If the Municipal Corporation Act sanctions the application of the Liverpool town dues to the purposes of the town, the sooner it is repealed the better, *Livsey* 2677-2681.

Impracticability, under this Act, of carrying out a reduction of the town dues, *Shuttle-*

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Municipal Corporations Act—continued.

worth 3956-3958. 4053, 4054. 4936——Reference to sundry trials since the passing of the Municipal Act, in which it has been determined that the new corporation is identical with the previous corporation, and that the Act does not affect the rights or liabilities of the old corporations, *Shuttleworth* 4008-4018.

N.

Navigation of the Mersey. Great difficulty of the navigation between Liverpool and Runcorn, *Rigby* 463-469——The ordinary vessels trading at Runcorn do not exceed two hundred tons of burthen; but if the money was forthcoming the river could be made navigable for very large vessels, *Johnson* 781-787——Illustration of the dangerous nature of the channel of the Mersey, and of its navigation, *Cooke* 3387-3391. 3395-3397.

See also *Buoys and Lights.*

Naylor, Vickers & Company. Witness is a member of the firm of Naylor, Vickers & Company, steel manufacturers and iron merchants at Sheffield and Liverpool, *Vickers* 2834, 2835——Witness's firm in Sheffield pays about 120 *l.* a year in Liverpool town dues, *ib.* 2846——The firm in Liverpool pays from 800 *l.* to 1,000 *l.* a year in town dues on the export of iron, *ib.* 2846, 2847.

Neath. Collection of ancient petty customs at this port, *Shuttleworth* 3707-3710.

New Articles. When a new article arrives at Runcorn, the collector writes to Liverpool to know what town dues are to be charged, *Rigby* 526-528——Exceptions taken to the claim and practice of the Liverpool corporation in the case of articles of modern export and import, *Heelis* 1903-1905. 1939-1954; *Part* 3626-3644——Arbitrary and irregular character of the Liverpool town dues in the collector having power to fix the amount on new articles, *Bancroft* 2328——As regards the right to the dues, witness cannot understand how a right could be purchased in 1672 to levy dues on tea, cotton, and a variety of other goods, which either did not exist or were not imported into England at the time, *Gibb* 2983. 2985. 3006-3009. 3015-3017.

Consideration of the authority under which the corporation levy dues upon all new articles exported or imported from time to time, *Shuttleworth* 4390-4435——Reference to the remarks by Lord Denman on the trial in 1833, in support of the right to take dues on new articles, *Shuttleworth* 4400, 4401. 4422. 4460. 4462. and *App. p.* 471——Consideration of the authority for the first order of the corporation in 1657 as to the rates to be levied on articles not mentioned in the ancient table, *Shuttleworth* 4613-4629.

See also *Brass Plate* (*Town Dues*). *Guano.* *Increase of Town Dues.* *Tariffs.*

New Brunswick. The town dues of Liverpool have attracted the attention, not only of witness, but of people in New Brunswick generally, as being a charge for which they receive no benefit, *Morrisey* 1300-1305. 1311. 1321-1325——Amount of town dues paid by the imports from New Brunswick into Liverpool yearly, *ib.* 1307-1310——Nothing but the provincial revenue tax is charged on goods at New Brunswick, *ib.* 1351, 1352——Amount of about 4,000 *l.* a year as town dues paid to Liverpool by New Brunswick imports and exports, *Fernie* 1361-1365.

Newcastle-upon-Tyne. With reference to the case of the Master Pilots and Seamen of Newcastle-upon-Tyne *v.* Hammond, witness reads the marginal note, and refers to part of the argument adduced by the counsel for the plaintiffs, *Part* 3687-3689.

Collection at the present time of ancient petty customs at this port, *Shuttleworth* 3707-3710.

Existing claim of Newcastle on the consolidated duties of Customs under the Act 59 Geo. 3, c. 54, in respect of anchorage, harbour, and local dues and pilotage; the date of first payment was in 1825, *App. p.* 415——Existing claim in respect of lights; the date of first payment was in 1820, *ib.*——Total amount of 14,250 *l.* 11 *s.* 2 *d.*, claimed on account of differential dues in the year 1855, *ib.* 416.

Newlands, Alexander. (Analysis of his Evidence.)—General merchant at Liverpool, trading with the Baltic and the Mediterranean, 1955-1957——Complains strongly of the town due of 6*d.* per ton on salt exported to foreign counties, 1958 *et seq.*——Tendency of the dues to check the expansion of trade, 1961. 1978——Competition on the part of several foreign countries with the English salt trade, 1964——Increasing trade of Liverpool in the export of salt, 1965. 2002——Witness objects generally to the exemption of freemen from the dues, as giving them an undue advantage over non-freemen, 1966, 1967. 1978. 2005-2007.

Advantage, supposing the title to the dues to be established, if compensation were given by Government for their abolition; witness has not considered any definite plan hereon, 1966-1977. 2006——Impetus to trade if the dues were abolished, 1966. 1978, 1979——Probability

Report, 1856—*continued.*

Newlands, Alexander. (Analysis of his Evidence)—*continued.*

——Probability that the town dues and the Weaver dues on salt will have the effect of driving the export trade very much to the ports on the east coast, 1979, 1980——Consideration of the circumstance of there being already a considerable export of salt from Hull; this is attributable to other causes as well as to the effect of the Liverpool town dues, 1979. 1983-1999.

Witness's firm paid 250 *l.* last year as dues on salt, 1982. 2000——They paid altogether about 350 *l.* in dues, as a result merely of their not being freemen, 1982. 2001. 2004, 2005——Probability that the exports from Liverpool exceed in value those of all the rest of the United Kingdom, 2003——There is no mode by which a non-freemen may become a freeman, 2008.

Newport. Collection of ancient petty customs at this port, *Shuttleworth* 3707-3710.

North of England. Grievance to the whole of the North of England, as well as to Manchester &c., in the Liverpool town dues, *Heron* 146-155.

North Mylls &c. Double power to collect wharfage and tolls upon the shore of North Mylls, and of the adjoining township of Hesketh-with-Becconsall, adverted to as inconsistent with the construction placed by the Liverpool corporation on the original grant of the town dues, *Part* 3606-3609.

With regard to evidence as to the private right of individuals to collect certain tolls at North Mylls, &c., the same is not inconsistent with the claim of the corporation to collect tolls over the same localities, *Shuttleworth* 4304-4321.

Northern. Cessation since 1837 of payments to Northern under the Act 59 Geo. c. 54, in respect of claims on the consolidated duties of Customs for lights, *App. p.* 412. 414.

Northwich. Northwich, on the Weaver, is not in the port of Liverpool, *Hull* 1186; *Shuttleworth* 1199.

Number of Articles Chargeable. The number of articles on which Liverpool town dues were chargeable in 1776 was, according to a certain brass plate, 103; they are now said to exceed 600, *Ashworth* 651——Opinion that the corporation had no authority but their own will for increasing the number of articles chargeable to the dues from 103 to upwards of 600, *ib.* 705-711.——*See* also *Tariffs.*

O.

Observatory. The corporation of Liverpool have erected an observatory at a cost of 8,000 *l.*; explanation hereon, *Shuttleworth* 3926——A small charge is made for rating chronometers, but the annual payments exceed the income by about 400 *l.*, *ib.*

Okill, The late Mr. Mr. Okill, formerly an officer of the Liverpool corporation, is the gentleman to whom the corporation are indebted for the development of their title to the town dues, *Shuttleworth* 3886. 4266-4268——The late Mr. Okill was an active member of the corporation in the transaction of purchases by the dock trustees, *Stewart* 5050.

Examination of Mr. Okill on the part of the corporation, in the action against Bolton and others in 1833, *App. p.* 538. 545-548. 551-561.

Orford. Collection of ancient petty customs at this port, *Shuttleworth* 3707-3710.

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Parliamentary Interference. The right and practice of the corporation of Liverpool in the matter of the town dues are fair subjects for Parliamentary interference, *Heelis* 1863-1866; *Part* 3661-3665.

Part, Thomas. (Analysis of his Evidence)—Is a solicitor and coal owner at Wigan, 3541, 3542——From 100,000 to 120,000 bales of cotton are manufactured annually at Wigan, 3543-3545——Calculation that imports and exports at Wigan pay about 1,000 *l.* a year in Liverpool town dues in respect of cotton, 3546——Out of about 3,000,000 tons of coal raised annually in the Lancashire and Cheshire coal field, from 300,000 to 400,000 tons are exported through Liverpool and pay town dues, 3547-3550——Evidence showing that through railway enterprise there is every prospect of a largly increased export of coals from Liverpool, upon which increase the town dues will be from 4,000 *l.* to 5,000 *l.* a year, without any return being given, 3550-3565.

Distinction between a toll traverse and a toll thorough, 3554-3558——With regard to the title to the dues, witness refers to the litigation on the subject in 1555 between the Molyneux family and the corporation, and infers from the wording of the suit, and of the judgment given thereon in favour of the Molyneux family, that the corporation had no

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right or title to the subject-matter of the grant of the Crown, 3566-3587——Non-exemption of freemen from the tolls according to the decree in this suit, 3579-3581——Lease of the tolls taken by the corporation in 1555, from year to year, until 1672, when the lease was for 1,000 years, 3588, 3589. 3623-3625.

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Opinion that the doctrine of contemporaneous user cannot be adduced as an argument in favour of the title of the corporation, 3604-3622——Double power to collect wharfage and tolls upon the shore of North Mylls, and of the adjoining township of Hesketh-with-Becconsall, adverted to as inconsistent with the construction placed by the corporation on the original grant, 3606-3609——Acts of Parliament by which the power of collecting wharfage and passing tolls in regard to the strand of the township of Hesketh-with-Becconsall was vested in the Ribble Navigation Company, 3609-3616——Other rights within the limits claimed by the corporation are also inconsistent with such limits, 3617-3619.

The boundaries within which town dues are claimed are coincident with the limits of the Customs port which was not erected till 1660; 3621, 3622——The first trace of claims by the corporation to levydues is in 1572; 3623——Exception taken to the claim and practice of the corporation in the case of articles of modern export and import, 3626-3644——Case of the Trinity-house *v.* Steben adverted to, as opposed to the right to levy ancient petty customs upon modern goods, 3628-3630——Opinion of Lord Hale quoted, as also opposed to the principle of ancient customs on modern articles, 3639, 3640.

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[Second Examination].—Evidence in support of former statement that an increase of tolls took place in 1674; 3683-3687——Reference to the evidence of Mr. Lowe before the Municipal Corporation Commissioners in 1833, as showing that there were three distinct tables of tolls, dated respectively 1613, 1674, and 1790, and that there had been frequent instances of increased dues, 3683. 3685-3687——Statement as to the brass plate having been dated 1674; 3683, 3684. 3687——Reference to the evidence of Mr. Statham before the Municipal Commissioners with regard to the tables of duties and the levies upon new articles, 3684.

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Passing Tolls. All goods passing by Liverpool, either outwards or inwards, pay town dues, *Pearson* 1651-1653——Argument that the Liverpool town dues are passing tolls, and that as such there is every reason for their abolition, *Gibb* 2982-2984. 2996-3005——Distinction between a toll traverse and a toll thorough, *Part* 3554-3558.

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Paving (*Liverpool*). Explanation relative to four grants, dated respectively 1328, 1336, 1357, and 1382, with reference to tolls or dues for the paving of the town, *Shuttleworth* 3777-3779, and *App. p.* 455-457——Clear distinction between these grants and the grants of town dues, *Shuttleworth* 3777——Explanation as to the dock trustees paying the cost of paving and repairs done to the dock quays, *ib.* 3926——Since 1847 the paving and sewering rate has been levied by the corporation, *ib.* 4043.

Pearson, John. (Analysis of his Evidence.)—Carries on business at Liverpool as a merchant and forwarding agent, 1498-1505——Contributes to the town dues to five

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or six times the amount of his local rates, 1506–1514——Had formerly a large forwarding business to the East and West Indies, which the town dues have in a great measure had the effect of diverting to London, 1515 *et seq.*——In the total charge between this country and the East, 1*d.* a package, as paid for town dues, is quite sufficient to divert the trade from Liverpool to London, 1518–1521. 1538. 1540–1543.

Greater expense of carriage between Manchester and London than between Manchester and Liverpool adverted to in connexion with the circumstance of the diversion to London of certain trade with the East in Manchester goods, 1522–1526. 1547–1551——Absence of any equivalent for the town dues, 1535–1537. 1578——The amount paid by witness in dues by no means represent his loss through the system, 1539. 1563——Equal advantage of London as of Liverpool in regard to the time occupied in certain voyages, 1544–1546.

Considerable disadvantage of Liverpool as compared with London as a port of shipment, on account of the very defective system of measurement as regulating the freights, 1551–1562. 1602–1605——The dock committee in Liverpool take no interest in the measurement, and there are no recognised or sworn measures, 1553–1561. 1602, 1603——Advantage if the dock committee were elected entirely by the parties paying dock rates, 1566. 1578——The committee consists of twenty-four members, one-half elected by the payers of dock dues and the other half by the corporation, 1567——Election of the chairman from among the corporation by the body of the committee, 1568. 1576, 1577.

Power of the corporation to veto the proceedings of the dock committee; instance of this, 1569–1575——Increased facility in shipping goods if the dock trustees alone were to be dealt with, 1578——Facilities to shippers in passing the Customs entries at Liverpool, *ib.*——Considerable difficulty through the necessity of entries being signed by the dock dues office and the town dues office before they are received by the Custom-house clerks, 1578. 1608–1611.

The tariff of the town dues is so extremely defective that it is quite impossible in sending out a shipment comprising several articles to know the charge for each article, 1578–1590. 1623, 1624——Due of 3*d.* upon each puncheon containing goods, which puncheons if shipped as casks are charged only 1½*d.*; 1582, 1583. 1591–1597——Shippers are referred to Gore's Directory as containing the tariff, 1584–1586——Dues are taken upon numerous articles not comprised in the tariff, 1587, 1588——The taxation on unenumerated articles rests very much with the office clerks, but witness is not cognizant of any deviation from the charges on the tariffed articles, 1589–1591. 1597–1599.

How far the duty or practice of witness as forwarding agent to see to the measurement of the goods, 1604–1606——Non-reduction in the charges of commission allowed to forwarding agents, 1606, 1607——Temptation and facility for fraud on account of the practice of payment of the town dues, and, partially so, of the dock dues, 1612–1624——Considerable advantage of Liverpool freemen in their exemption from the town dues, 1625——Opportunity of freemen as agents to enter goods out in their name, or, in fact, to sell them in their own names, thus saving the dues to the buyer; legitimacy of such transaction, 1625–1649——Improbability of freemen signing a certificate that property shipped is their own if they are acting merely as commission agents, 1638–1649.

All goods passing by Liverpool inwards or outwards pay town dues, 1651. 1653——Goods from Runcorn to Liverpool for consumption there do not pay, 1654, 1655——The charge is nearly twice as high in the case of Irish produce coming to Liverpool as of English produce shipped to Ireland, 1655–1659——Absence of any equivalent for the town dues in the shape of improvements in the town, 1659–1669.

With regard to Southport, town dues may be levied there, but there is not any traffic there to make it worth while, 1670–1674——The lights and buoys in the Mersey are provided for by a special rate raised and expended for the purpose by the dock trustees, 1675–1680——Complaint of the neglected state of the Wallasey embankment, for which the Liverpool corporation are partly responsible, 1681–1689.

Further evidence in favour of vesting the dock trust in persons elected entirely by those who pay dock rates; how this might be carried out, 1690–1707——The power of veto in the corporation over the dock committee should be abolished, 1693——Equal confidence of the dock bondholders if the corporation were entirely alienated from the docks and their management, 1701–1709——Doubt as to the pecuniary transactions between the dock committee and the corporation involving causes of dissatisfaction, 1710–1714.

Peel, Sir Robert (the late). Views expressed by Sir Robert Peel during the discussions on the Municipal Corporations Bill as to the rights of corporate bodies in regard to the continued exemption of persons having inchoate rights, and in regard to the application of tolls or dues, *Shuttleworth* 3926. 4001, 4002. 4004.

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Penryn. Collection of ancient petty customs at this port, *Shuttleworth* 3707-3710.

Penzance. Cessation, since 1843, of payments to Penzance under the Acts 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for harbour dues, *App. p.* 411. 413.

"*Peter Marcy*," *The.* Reference to the heavy dues paid by this vessel merely for entering the graving dock at Liverpool, *Sinclair* 575. 576.

Petitions. List of the petitions referred to the Committee, and considered by them, *Rep. p.* xi, xii.

Pilotage (*Liverpool*):

1. *Amount paid as Compensation for Differential Dues.*
2. *Payments by Vessels not under Reciprocity Treaties.*
3. *Objections to abolishing the Payment for Differential Dues.*
4. *Remuneration of the Pilots.*
5. *Particulars as to the Boats; Incomes of the Pilots therefrom.*
6. *Apprentices.*
7. *Danger and Efficiency of the Service.*
8. *Pilotage Ground.*
9. *How far the Pilotage is Compulsory.*
10. *Rates; how collected.*
11. *Economical Management.*
12. *Pilotage Commissioners.*
13. *Statement and Counter-statement as to the Liverpool Corporation.*
14. *Suggested different Mode of Levying the Rates.*

1. *Amount paid as Compensation for Differential Dues:*

Yearly sums paid as differential dues to Liverpool for pilotage since 1820, *Shelley* 3034——In 1820 the payment was 1,294 *l.* 5 *s.* 9 *d.*; gradual increase since that year, *ib.*

Average of 6,153 *l.* a year received for the last ten years from the Consolidated Fund under reciprocity treaties, *Bremner* 3077, 3078; *Hughes* 3247——Manner in which the money for differential dues is received on behalf of the pilots, and mode of distribution of the same to them, *Bremner* 3085-3092.

Existing claim of Liverpool on the consolidated duties of Customs, under the Act 59 Geo. 3, c. 54, in respect of pilotage; the date of first payment was in 1820, *App. p.* 415——Amount of 7,804 *l.* 4 *s.* claimed on account of differential dues in the year 1855, *ib.* 416.

2. *Payments by Vessels not under Reciprocity Treaties:*

Average pilotage payments for the last ten years of 511 *l.* a year by unprivileged vessels not being affected by the reciprocity treaty, *Hughes* 3248——Amount of payment respectively by foreign vessels under reciprocity treaties and not under such treaties, *ib.* 3298-3302.

3. *Objections to Abolishing the Payment for Differential Dues:*

As solicitor to the pilots at Liverpool attends in support of the retention of the payment of compensation for differential dues on pilotage, *Bremner* 3070, 3071——The first Act passed for the regulation of the pilots of Liverpool was the Act 6 Geo. 3, in 1765; provisions therein as to the charges on foreign ships for pilotage, *ib.* 3072, 3073——The next Act was the 37 Geo. 3, c. 78, by the 19th section of which the differential due was continued payable by alien ships, *ib.* 3073——Rates laid down in the 21st section of the Act 5 Geo. 4, c. 53, in regard to the pilotage on foreign ships, *ib.* 3074.

Reference to a statement by Mr. Lowe (Chairman of the Committee) as to the Liverpool pilots being entitled to compensation with regard to differential dues, *Bremner* 3083-3096——Considerable reduction in the incomes of the pilots if the dues for alien pilotage were abolished, *Bremner* 3093-3095; *Hughes* 3249-3254——Each first-class pilot would get 34 *l.* a year less than at present by the abolition, *Bremner* 3093; *Hughes* 3250-3254——Breach of faith if the pilots be deprived of the amount received from the Consolidated Fund, *Bremner* 3104-3108. 3119.

Injurious effect upon the efficiency of the service if the rates be reduced, or if pilotage be optional, *Cooke* 3331. 3363. 3398-3401.

4. *Remuneration of the Pilots:*

Decrease of late years in the remuneration of the pilots, *Bremner* 3097——Gross and net earnings of the pilots as a body and individually, *Hughes* 3199, 3200. 3306-3308——Income of witness as master pilot, including the interest of his shares in two boats, *ib.* 3258-3261——A pilot is restricted from carrying on any business, *ib.* 3274-3292——The earnings of an ordinary pilot are about 189 *l.* a year, *ib.* 3199, 3200. 3306-3308——Considerable

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4. *Remuneration of the Pilots*—continued.

Considerable donations towards the support of sick or superannuated members, *Hughes* 3208-3214.

The service at the present time is not paid half well enough, so great are its hardships and requirements, *Cooke* 3331. 3364. 3409, 3410—— Income of pilots in other ports than Liverpool adverted to, *ib.* 3359-3365.

5. *Particulars as to the Boats; Income of the Pilots therefrom:*

The pilots themselves provide the boats, &c., by which the service is carried on, *Bremner* 3108——There are twelve pilot boats at Liverpool, *Shepherd* 3140——Numerical force of the pilot service and of each boat, *ib.* 3140. 3147-3152. 3154——Allocation of the duties of the twelve boats, *ib.* 3141, 3142——The average tonnage of the boats is eighty tons, *ib.* 3153——Particulars as to the cost of the boat in charge of witness, and to the income derived by him therefrom as part owner, *ib.* 3160-3184——The net returns on the boats are about nine per cent., *Shepherd* 3169-3178; *Hughes* 3207——The ownership of the boats is necessarily confined to the pilots, *Shepherd* 3188-3190.

Particulars as to the cost of the pilot boats, the several expenses connected with working them, and the net amount divided yearly among the owners as interest for their capital, *Hughes* 3201——Enhanced value of the boats beyond the prime cost; explanation hereon, *ib.* 3215. 3223-3227. 3266-3271. 3288-3298——Payments by the owners of the boats on account of damages done through the neglect of the apprentices to vessels, *ib.* 3227-3246——Practice in regard to the sale of the pilot boats, or of the shares of pilots therein; approval of the exclusion of the public as shareholders or owners, *ib.* 3255, 3263-3288——Practice in alloting the payment to each boat according to the work performed, *ib.* 3262. 3293-3305.

Explanation and approval of the system whereby the ownership of the pilot boats is confined to the service, the return on the capital of the pilots being about nine per cent., *Cooke* 3332-3351.

6. *Apprentices:*

Wages of the apprentices, *Hughes* 3202, 3203——Regulations affecting apprentices; they do not pay fees, *ib.* 3289-3291.

7. *Danger and Efficiency of the Service:*

Great danger and responsibility incurred by the pilots, *Shepherd* 3142-3146—— Difficulties of the service especially as regards foreign vessels, *ib.* 3143-3145. 3185-3187.

Witness has been superintendent and examiner of pilots at Liverpool for the last seventeen years, *Cooke* 3309-3312——Necessary qualifications of the pilots; stringent examination to which subject, *ib.* 3313-3315——Witness was appointed by the pilots' committee, *ib.* 3316, 3317——Testimony to the great efficiency of the Liverpool pilot service, *ib.* 3331. 3337. 3407, 3408——Proof of the arduous duties of the pilots in their average duration of life, which is only about thirty-nine and a half years, *ib.* 3352-3354.

Stringency of the regulations and discipline by which the service is conducted, *Cooke* 3366, 3367. 3402-3406——Reference to the report of Captain Evans, conservator of the Mersey, in 1855, as proving the great efficiency of the pilots, *ib.* 3377, 3378——Rare instances of complaints that vessels have not been able to find pilots, *ib.* 3402—— Punishment of pilots if they are improperly away from their proper duties, *ib.* 3402-3407.

8. *Pilotage Ground:*

The pilotage is sixty miles from the mouth of the river, *Bremner* 3098, 3099——Ground over which the pilotage extends, *Shepherd* 3139.

9. *How far the Pilotage is Compulsory:*

The pilotage on sailing ships generally is compulsory, *Bremner* 3101——Explanation as to its not being compulsory upon steamers to take pilots in the Mersey; reduction of the pilots' income thereby, *ib.* 3102-3115. 3123-3130.

10. *Rates; how collected:*

Total sum of 556,995 *l.* received from pilotage rates in Liverpool during the last ten years, *Bremner* 3076——Reduction of the charges as regards steamers to the extent of about 4,000 *l.* a year during the last two years, *Bremner* 3115; *Hughes* 3198——Circumstance of the rates having always been worked at the maximum allowed, *Bremner* 3116, 3117. 3121, 3122. 3131-3133——Statement of the several pilotage rates for British and foreign vessels of different kinds, inwards and outwards, *Hughes* 3194-3198——Collection of the pilotage from the masters by means of two collectors appointed for the purpose, *ib.* 3262. 3293-3295.

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10. *Rates; how collected*—continued.

Very low rates charged for pilotage at Liverpool, as compared with London, New York, Calcutta, or Melbourne, *Cooke* 3318-3324——Expediency of an additional rate being charged to foreign vessels on account of the greater difficulty and danger than in the case of British vessels, *ib.* 3325-3330. 3356-3358.

11. *Economical Management:*

Great economy of the management of the service, *Bremner* 3100; *Cooke* 3337. 3411——Witness, as examiner of pilots, is not paid out of the pilot fund, *Cooke* 3337. 3411——The service is managed for about 800 *l.* a year, including all expenses, *ib.* 3411.

12. *Pilotage Commissioners:*

The Act 5 Geo. 4, c. 73, in 1824, is the Act under which the present pilotage commissioners regulate the pilotage, *Bremner* 3073, 3074——Regulations relative to the appointment of the pilotage commissioners, *ib.* 3074, 3075——The commissioners appoint thirteen of their body as a committee, who are elected for three years, *ib.* 3075——List of the commissioners on 1 June 1856, distinguishing those not of the council, and those appointed by the council, *ib.*

13. *Statement and Counter-statement as to the Liverpool Corporation:*

Impression that the Liverpool corporation derive a profit from pilotage, the charges for which are high, *Getty* 2967-2972.

Statement that the corporation of Liverpool do not receive anything whatever from the pilotage rates, *Bremner* 3084, 3085. 3091.

14. *Suggested different Mode of Levying the Rates:*

Evidence in favour of an alteration of the present mode of levying the pilotage rates; the tonnage rather than the depth of water drawn should be the basis of the rate, *Cooke* 3368-3376.

See also *Christie, Captain.* *Differential Dues.* *Title to Town Dues.*

Pilotage (*Generally*). Payment out of the Consolidated Fund of 7,129 *l.* in 1855, and 8,589 *l.* in 1854, in respect of pilotage, as compensation for differential dues, *Shelley* 3019, 3020——Mode in which the Trinity House checks the amount claimed for differential pilotage dues, *Butterfield* 3044-3057.

Particulars as to the amount claimed as differential dues to each of the ports entitled to such dues, in the year 1855; total of 15,711 *l.* 3 *s.* 5 *d.* thus claimed, *App. p.* 416.

Plans of the Town and Port of Liverpool. Witness delivers in two plans; one showing the customs port, and the other showing the town of Liverpool originally, and also the present municipal borough; explanations thereon, *Bancroft* 5160-5163, and *App. p.* 703.

Plymouth. Cessation, since 1851, of payments to Plymouth under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for harbour dues, *App p.* 411, 413——Cessation, since 1835, of payments in respect of claims for citadel dues, *ib.* 412. 414.

Police. The Liverpool dock estate pays nearly 20,000 *l.* for their proportion of the maintenance and establishment of the police, *Heron* 96.

Explanatory statement relative to the mode of payment of the police employed at the Liverpool docks, *Shuttleworth* 3926——The dock trustees pay only for those who are employed exclusively on the property of the docks, *ib.*

Port Glasgow. Cessation, since 1854, of payments to Port Glasgow under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for pilotage, *App. p.* 412. 414.

Existing claim of Port Glasgow on the consolidated duties of Customs under the Act 59 Geo. 3, c. 54, in respect of harbour dues; the date of first payment was in 1828, *App. p.* 415——Total amount of 10 *l.* 0 *s.* 3 *d.* claimed on account of differential dues in the year 1855, *ib.* 416.

Port of Liverpool. See *Application of Town Dues.* *Conservancy of the Mersey.* *Limits of the Port.* *Title to Town Dues.*

Portsmouth. Collection of ancient petty customs at this port, *Shuttleworth* 3707-3710.

Cessation, since 1835, of payments to Portsmouth under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for local dues, *App. p.* 411. 413——Cessation, since 1840, of payments in respect of claims for harbour dues, *ib.* 412. 414.

Potter,

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Potter, William. Reference to a statement by Mr. William Potter, as to the course taken by the Liverpool corporation in the matter of land at Wallasey, *Bancroft* 2336.

Inaccuracy of a statement by Mr. Potter before a Committee of the House of Lords, as to the proceedings of the corporation in regard to the sale of the land at Wallasey, *Shuttleworth* 4884–4888.

Potteries District. Witness is chairman of the Chamber of Commerce of the Potteries district, and attends the Committee as representative of the manufacturers of the district in support of the Bill for the abolition of the Liverpool town dues, *Hollins* 278, 279——The materials for the china, &c. manufacture in the Potteries are not found in the immediate district, but are brought by coasters and transhipped at Runcorn to the canal boats, *ib.* 282–286——Amount charged on the materials for the manufacture of china and earthenware, more especially on the clay and flint; price of these materials, *ib.* 283–286. 325–330——All materials, although they do not go nearer to Liverpool than passing down the river, are charged with the town dues, *ib.* 283——The goods after they are manufactured, are also charged when exported, *ib.* 286. 292.

Although the amount of town dues seems small individually, yet upon the low description of clay material it is rather a heavy per centage, *Hollins* 291——Enumeration of various articles besides clay and flint which are used by the manufacturers in the Potteries, and which pay Liverpool town dues, *ib.* 295——Evidence explanatory of the growing competition on the part of Newcastle and Glasgow with the Staffordshire Potteries; advantage of the former as regards freights, and inland carriage, independently of dues, *ib.* 302, 303. 348–351. 357 *et seq.*——Great falling off within the last ten or fifteen years in the trade of the coarser description on account of the dues, and the competition with Newcastle-on-Tyne and Glasgow, *ib.* 302–305. 348–351. 359 *et seq.*——No American or colonial competition to any extent has as yet sprung up, *ib.* 306, 307.

From the position of the Potteries, as well as from the goods not entering the port of Liverpool, the manufacturers are not justly chargeable with the dues, *Hollins* 308, 309——Belief that there is no Government duty either on the raw material used at the Potteries, or on its export, *ib.* 311——Many disadvantages to the Potteries manufacturers in having very heavy inland carriage to pay, *ib.* 313–316. 351. 359–361——Although the coarser manufactures of the Potteries are decreasing the finer have increased, *ib.* 317, 318.

About 4,000 *l.* are paid yearly by manufacturers of china and earthenware as town dues for the import and export of their goods, *Hollins* 319–324——The greater portion of the trade of the Potteries is exported on account of orders received from Liverpool and elsewhere, but in cases wherein the manufacturers are their own consignees they have to pay the dues, *ib.* 331–333——The town dues were not, till the last three or four years, complained of in the Potteries, as they were supposed to be employed in keeping in repair the navigation and lighthouses, *ib.* 336–338. 345–349——The Chamber of Commerce had no communication with Manchester on the subject of the dues, until they had formed a committee for collecting evidence, *ib.* 339–341.

Statement to the effect that the amount of dues charged at Liverpool on articles for pottery are generally known and do not vary, *Hollins* 352–356. 385, 386——The total amount of the trade of the district is increasing, *ib.* 375——Wages of potters are about the same in the North as in Staffordshire, *ib.* 383, 384——Amount of about 2,500 *l.* a year in town dues paid on Runcorn goods passing through to the Potteries, *Johnson* 803–806.

Powder Magazine. Statement as to the loss incurred by the Liverpool corporation through the erection of a powder magazine at Liscard, on the Cheshire shore, *Shuttleworth* 3926.

Prescriptive Right. See *Title to Town Dues.*

Prices. Equal price received by witness for manufactures, whether taken away through Liverpool or through any other port, *Salt* 2249–2258——Same price paid by witness for wool if bought at Liverpool or at any other place, *ib.* 2259–2263.

Proceedings of the Committee. Rep. p. iv *et seq.*

Puncheons. Liverpool town due of 3 *d.* upon each puncheon containing goods, which puncheons, if shipped as casks, are charged only 1½ *d.*, *Pearson* 1582, 1583, 1591–1597.

Pyrites. Payment at Liverpool of 3 *d.* per ton as Liverpool town due upon Irish pyrites, *Johnson* 760–764——Value of the pyrites consumed near Widnes Dock in the alkali trade in proportion to the amount of the town dues exacted by the corporation of Liverpool, *Hutchinson* 900, 901——Large quantity of pyrites or sulphur ore in use in the alkali trade near Warrington, *ib.* 887——About 500 *l.* is paid in dues on pyrites consumed about Widnes, and worth about 40,000 *l.*, *ib.* 900, 901.

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Queenborough. Collection at the present time of ancient petty customs at this port, *Shuttleworth* 3707–3710.

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Rabone, Brothers, & Co. This firm at Birmingham has paid an average of about 2 *s.* 2 *d.* per cent. in town dues to Liverpool on exports of hardware, &c., *Lloyd* 2131——The firm paid about 90 *l.* last year in town dues, whereas the local rates were only 54 *l.* 15 *s.* 6 *d.*, *ib.* 2133–2138——Reference to the forwarding agent's notes as showing the amount paid by the firm, *ib.* 2149, 2150. 2167, 2168——Returns (*App. p.* 410) forwarded by the shipping agent at Liverpool, showing that very nearly as much is paid by the firm for town dues as for dock dues, *Lloyd* 2802–2804——Charges on goods shipped on board the "Mermaid" for Melbourne and Geelong, *App. p.* 410——Charges on goods shipped on board the "Salopian" for St. Thomas, *ib.*

Radcliffe, Samuel, & Sons. Statement that this firm, at Rochdale, pays about as much in Liverpool town dues as in local rates, *Livsey* 2587–2589.

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1. *Complaint generally in regard to the Liverpool Town Dues.*
2. *Question as to the right to take Dues at Runcorn.*
3. *Mode of Collection of the Dues.*
4. *Extent and Condition of the Trade of Runcorn.*
5. *Local Rates.*
6. *Manorial and Ferry Rights.*
7. *Liverpool Dock Rates.*

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Witness is a merchant at Runcorn, and a member of the Runcorn Improvement Commission, and attends the Committee under authority from them, *Rigby* 390. 387–396——The local complaint against the dues has been more manifest since the Local Dues Bill was brought before the House of Commons, *ib.* 398–400——The distance between Runcorn and Liverpool by the river is eighteen miles, *ib.* 406——There is no railway at Runcorn, but all the goods go into the interior by means of canals, *ib.* 406–410——The annual amount of town dues paid for goods imported and exported from Runcorn is about 2,500 *l.*, *ib.* 414.

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The tonnage of the trade of Runcorn is about 100,000 tons inwards, and 50,000 tons outwards annually, *Rigby* 404, 405——The principal things passing through Runcorn are, iron for Manchester, and flints, clay, and stone for the Potteries, *ib.* 411——Taking the trade of Runcorn generally, it is not on the decline, *ib.* 491-498——Opinion, that the construction of railways from Fleetwood to Preston and other places, had nothing to do with diverting the trade of Runcorn, *ib.* 529, 530. 536, 537——Large trade in coal and salt, *Johnson* 734, 735——Witness ships to America nearly 20,000 tons of salt a year from the port of Runcorn, *ib.* 735. 775.

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Runcorn gets from Liverpool about 10 per cent. as poor-rate and commissioners' rate on the dues levied there, *Rigby* 433-436——Evidence relative to the local taxation at Runcorn, *Rigby* 519-525. 531-534; *Johnson* 755, 756——Payment by the Liverpool corporation to the Runcorn rates, in respect of the town dues, *Johnson* 757-760.

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Evidence relative to the manorial and ferry rights of Runcorn, and to the heavy local taxation consequent thereon, *Johnson* 738-745——About 1,000*l.* a year is derived from the ferry, *ib.* 741——The ferry is the dearest in England, and the worst regulated, *ib.* 743——Great hardship resulting to Runcorn from the right of the Marquis of Cholmondeley to the ferry; proper title however to the latter, *ib.* 807-824——Further evidence as to the ferry over the river at Runcorn; complaints of the heavy charge and bad accommodation, *ib.* 851-866.

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Rushton, Mr. Statement as to Mr. Rushton, one of the defendants' counsel, in the action brought by the Corporation of Liverpool in 1833, having expressed an opinion unfavourable to the defendants' case, *Shuttleworth* 4550–4554.

Russell, Lord John. Views expressed by Lord John Russell during the debate on the Municipal Corporations Bill, as to the existing rights of corporate bodies, or of individuals entitled to corporate rights, *Shuttleworth* 3926. 4000. 4002.

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Saddlery. Diversion from Liverpool to London of exports of saddlery, &c., adverted to, as mainly owing to the effect of the Liverpool town dues, *Pearson* 1515 *et seq.*

Sailors' Home. In 1846 the Corporation of Liverpool made a free grant of a piece of land, valued at 8,500*l.*, as the site of a sailors' home, *Shuttleworth* 3926.

St. George's Hall, Liverpool. Explanation of the circumstances under which the construction of St. George's Hall was undertaken by the corporation, *Shuttleworth* 3926——The hall was a matter of private subscription, *Stewart* 5105.

St. Helen's Canal and Railway Company. Witness is secretary to the St. Helen's Canal and Railway Company, *Sinclair* 345, 346——Evidence relative to the property of the railway company, and to the interest of the company in the inquiry before the Committee, *ib.* 547, 548——Complaint of the company that harbour dues are levied on the trade resorting to their docks for the benefit of the docks at Liverpool, *ib.* 559–561——The expenditure of the dues is not only confined to Liverpool, but the directors of the St. Helen's Company are excluded from sitting on the dock committee by Act of Parliament, *ib.* 562–567——Hardship that a vessel using merely the Garston docks should have to pay Liverpool town dues, *ib.* 571–576.

Principal articles carried by the St. Helen's Company, *Sinclair* 601——The place which competes most with the St. Helen's coal proprietors is Birkenhead, and the dues are levied from the former to provide accommodation for the latter, *ib.* 612——The St. Helen's Railway Company constructed the Garston dock; they at present pay no dividend on the unguaranteed stock, *ib.* 623–627.

St. Ives. Collection, at the present time, of ancient petty customs at this port, *Shuttleworth* 3707–3710.

St. Michael's Mount. Collection of ancient petty customs at this port, *Shuttleworth* 3707–3710.

Salford. For several years past Salford, in common with Manchester, has warmly taken up the question of the Liverpool town dues, *Heelis* 1818–1820——The objection lies merely to their non-application to shipping purposes, *ib.* 1820. 1825, 1826——The business of Salford consists of general manufacturing, as at Manchester, *ib.* 1821, 1822——Witness, in objecting to the town dues, represents the views of the Corporation of Salford, *ib.* 1827 *et seq.*——Impossibility of stating the amount paid by Salford in town dues, *ib.* 1860–1862.

Salt:

1. *Competition in the Trade.*
2. *Extent and Increase of the Trade on the Weaver, and of Exports from Liverpool.*
3. *Unduly large Amount of the Liverpool Town Dues and the Weaver Navigation Dues.*
4. *Diversion and Restriction of Trade in consequence of the Dues.*
5. *Greater Cost of Sea Carriage viâ Liverpool to London, &c. than of Inland Carriage.*
6. *Advantage of Liverpool Freemen in exemption from Town Dues.*
7. *Reduction of Town Dues in* 1834, *but not since that Year.*

1. *Competition in the Trade:*

Great competition which has arisen in the salt trade within the last few years, *Johnson* 839-848; *Worthington* 1220-1223——The price of salt is about twenty-five per cent. lower than it was a few years ago, *Worthington* 1226, 1227——The ports of Hull and Gloucester have latterly increased their export of salt in a greater ratio than the port of Liverpool,

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2. *Extent and Increase of the Trade on the Weaver, and of Exports from Liverpool:*

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Account of white salt shipped coastwise and to Ireland from Winnington during the years 1848, 1849, 1850, 1851, 1852, 1853, 1854, and 1855, *App p.* 404-406——Statement as to salt shipped coastwise from John Smith's works at different periods since 1849, *ib.* 409——Salt shipped from W. Worthington & Sons' works in the years 1846–1855, *ib.*

3. *Unduly large Amount of the Liverpool Town Dues and the Weaver Navigation Dues:*

Inadequately large charge made upon salt in proportion to its value, *Heron* 43. 240, 241; *Rigby* 506——Large dues paid at Runcorn upon salt, &c., as exported by Messrs. Simpson & Potter, *Heron* 75——Payment of 6*d.* per ton upon salt if exported to foreign parts, and of 3*d.* per ton if sent coastwise, *Rigby* 506; *Johnson* 760.

Evidence relative to the export of salt from Runcorn, and the large amount of due paid on this article in proportion to its value, *Johnson* 768–778——The dues on salt exported from Runcorn amount to about ten per cent. on the first value, *ib.* 768-776——Statement that the town dues on salt frequently amount to more than the profits of the manufacturers, *ib.* 775. 825-831.

The Weaver dues of 1*s.* a ton on salt, as used in the alkali trade, amount to about twelve per cent. on the value, *Hutchinson* 893–896——Large amount paid by witness at Runcorn as dues upon white salt, *Hayes* 1074, 1075——Witness is employed by a number of the leading shipowners and merchants in Liverpool, and also by a large proportion of the manufacturers of salt in the valley of the Weaver Navigation, to present before the Committee their complaint of the heavy dues on salt, *Hull* 1168——The hardship complained of is, that the Liverpool town dues and the Weaver Navigation dues amount to 1*s.* 6*d.* a ton on salt, *ib.*

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Witness complains strongly of the town due of 6*d.* per ton on salt exported to foreign countries, *Newlands* 1958 *et seq.*——The Weaver dues on salt are double the town dues, and are altogether excessive, *ib.* 1980——Witness's firm paid 250*l.* last year as dues on salt, *ib.* 1982. 2000.

Complaint of the town dues generally, more especially of the dues on salt, *Guyon* 2020 *et seq.*——Witness paid about 500*l.* last year in town dues on salt, &c., *ib.* 2025. 2073——The total dues on salt are about 7,500*l.*, less the exemption on the amount exported by freemen, *ib.* 2031–2033——The exporter of salt obtains no equivalent for the dues, *ib.* 2045, 2046. 2082——The Weaver dues of 1*s.* per ton on salt, in connexion with the other charges, constitute an excessively heavy charge upon an article of such low value, *ib.* 2047–2049. 2052. 2082——Similar due upon salt as when there was a duty upon it of about 30*l.* per ton, *Bancroft* 2315.

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Probability that the town dues and the Weaver dues on salt will have the effect of driving the export trade very much to the ports on the east coast, *Newlands* 1979. 1980——Consideration of the circumstance of there being already a considerable export of salt from Hull; this is attributable to other causes as well as to the effect of the Liverpool town dues, *ib.* 1983–1989.

Evidence to the effect that the due of 6*d.* per ton upon salt is an injurious restriction upon the export trade of this country with America, and a direct encouragement to competition on the part of American manufactured salt, *Guyon* 2037 *et seq.*——As an increase of price the dues, on salt check the export; instances of this, *ib.* 2050 2052. 2078–2080. 2092–2108.

5. *Greater Cost of Sea Carriage viâ Liverpool to London, &c. than of Inland Carriage:*

Grounds for complaint in regard to the heavy expense of sea carriage to London, &c., as compared with the carriage by railway and canal, *Worthington* 1224–1241——The charge by railway from Droitwich to Camden Town Station is 6*s.* 8*d.* per ton, and to the West India Docks 8*s.* 3*d.* per ton, *ib.* 1228, 1229——By the Trent and Mersey, and other canals, the charge per ton to London is now reduced to 6*s.* –$\frac{3}{4}$*d.*, *ib.* 1230.

Cost, including River Weaver dues and Liverpool dues, of 13*s.* 3*d.* for sending salt to London by sea from Northwich, irrespective of 1*s.* 3*d.* per ton for the fellowship porters in London, *Worthington* 1231–1236——By the Droitwich and other canals to London, the carriage per ton to London (Regent's Canal) now costs only 3*s.* 7$\frac{1}{2}$*d.*, *ib.* 1236——Advantage doubtless to the public in the route *viâ* canal and railway being more direct and cheaper than by sea, *ib.* 1241. 1280–1291——Direct route also to Hull by railway and canal in the case of salt exported thence and coming from Cheshire, &c., *ib.* 1287–1291.

List of canal tolls formerly and at present from Marston, Cheshire, and Droitwich, Worcestershire, to London; great reduction of late years, *App. p.* 407——Expenses, without equivalent, in sending by the sea route, *ib.* 408.

6. *Advantage of Liverpool Freemen in exemption from Town Dues:*

Great advantage gained by the freemen of Liverpool in not having to pay town dues on salt, &c., *Johnson* 775, 776. 832–838. 849, 850——As regards the salt trade, the advantage of being a freeman is especially apparent, *Hayes* 1154–1160——There are, perhaps, two or three freemen engaged in the export of salt, *Newlands* 2007; *Guyon* 2064.

7. *Reduction of Town Dues in* 1834, *but not since that Year:*

Considerable reduction of the town dues on the article of salt in consequence of the proceedings in 1833, *Heron* 43–45——Schedule showing the reduction or composition in 1834 of the dues upon salt, *Ev. p.* 9, and *App. p.* 514——The reductions of salt, &c., in 1833 would have been whether there had been any legal proceedings or not, *Shuttleworth* 4500–4526——The due on salt is objectionably high, but it would have been reduced long since if the power to reduce the dues had existed, *Shand* 4958–4960.

Salt, Titus. (Analysis of his Evidence.)—Manufacturer of mohair, alpaca, and worsted goods generally at Saltaire, near Bradford, 2172–2174——Employs about 3,000 persons; is erecting buildings for their accommodation, 2175–2279——Is president of the Bradford Chamber of Commerce, and has been deputed by the Chamber to attend before the Committee, 2180, 2181.

Injustice in Bradford contributing to the borough rates of Liverpool, 2182——Calculation that the borough of Bradford pays, directly or indirectly, from 3,000*l.* or 4,000*l.* a year on its exports and imports of goods through Liverpool, 2183–2195——Due of 2*d.* upon packages of wood under two cwt. and of 4*d.* upon packages above two cwt.; value of these packages, 2188–2194——Witness paid last year about about 350*l.* in rates, and paid in town dues about half that sum, directly or indirectly, upon the goods used by him, 2196 *et seq.*——Practice in regard to the party actually paying the dues, whether the manufacturer or the merchant to whom he sells or from whom he buys, 2205–2216. 2230–2233.

Save when witness receives and sends goods directly, he does not immediately pay the dues, 2206–2209. 2213–2218——The goods after manufacture pay dues again, 2220——Doubt

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Salt, Titus. (Analysis of his Evidence)—*continued.*

——Doubt as to the amount paid by witness on what he exports; he exports very largely, 2221-2225——Tendency of the dues to diminish the demand of the consumer, 2226——Increase, though not within the last few years, in the trade of Bradford, 2227-2229.

Large consumption of soap in the Bradford manufactories; dues of about 200*l.* a year on the materials for this soap, 2234-2238. 2245-2248——Large quantities of groceries consumed in the Bradford district, which pay dues on coming through Liverpool, 2240-2242——Equal price received by witness for manufactures, whether taken away through Liverpool or through any other port, 2249-2258——Same price paid by him for wool if bought at any other place than Liverpool, 2259-2263.

Saltash. Collection of ancient petty customs at this point, *Shuttleworth* 3707-3710.

Existing claim of Saltash on the consolidated duties of Customs, under the Act 59 Geo. 3, c. 54, in respect of anchorage; the date of first payment was in 1835, *App. p.* 415——Total amount of 36*l.* 19*s.* claimed on account of differential dues in the year 1855, *ib.* 416.

Scarborough. Collection of ancient petty customs at this port, *Shuttleworth* 3707-3710.

Scarlett, Sir James. Opening speech of Sir James Scarlett as counsel for the corporation of Liverpool, in the action in 1833 against Bolton and others, *App. p.* 518-528.

Schneider, William Henry. (Analysis of his Evidence.)—Resides in London; is engaged in the export of iron ore from the Ulverstone district to Staffordshire, South Wales, &c., 3462, 3463——Complaint that in sending ore from Barrow, in the Ulverstone district, to Staffordshire, witness's firm has to pay 3*d.* a ton in town dues to Liverpool, though the vessels do not enter the port of Liverpool at all, 3464-3470. 3477——Additional 3*d.* per ton on iron paid by way of Saltney or Morecombe to Wolverhampton, by reason of the operation of the dues, 3464——Considerable diversion of the Ulverstone iron trade from the Liverpool route on account of the dues; instances of this, 3464-3470——Large amount of the dues on the article of iron, *ib.*

Understanding that the claim of the corporation to the dues is limited to low-water mark, 3470. 3477. 3488. 3501, 3502——Hardship of the dues in the case of coals brought by witness's vessels from South Wales to the Mersey, and transferred to the Cunard steamers, without going near Liverpool, 3470——Reference to the liability to the dues of Frodsham and other places formerly exempt, 3470-3472——Complaint with reference to neglect by the conservators of the Mersey of shore on the Seacombe side of the river, 3472-3477.

Statement as to the whole of the strand, with reference to which the dues were, as witness considered, limited, being now built over by the docks, 3477, 3478——Injustice in spending on the conservancy of the river so small a sum out of the dues as about 5,000*l.*, and of spending the great bulk of it for town embellishments, 3477-3479. 3481——The dues should be abolished, with the exception of such portion as might be required for the conservancy of the river, 3481.

Grounds for concluding that the corporation do not possess any claim entitling them to compensation, 3481-3501——Statement as to witness's father-in-law having been deprived by the Crown, without compensation, of foreshore at Seacombe, and of his right of anchorage in Wallasey Pool, though his title as lord of the manor was more than 200 years old, 3481-3500.

Scilly. Collection, at the present time, of ancient petty customs at this port, *Shuttleworth* 3707-3710.

Scottish Burghs and Harbours. Reference to the provisions of the Scottish Burgh and Harbours Bill as empowering certain burghs to levy rates on vessels entering or using the harbours, *Shuttleworth* 3926.

Seacombe Manor. Statement as to witness's father-in-law having been deprived by the Crown, without compensation, of foreshore at Seacombe, and of his right of anchorage in Wallasey Pool, though his title as lord of the manor was more than 200 years old, *Schneider* 3481-3500.

Any right which the lord of the manor of Seacombe may have had to anchorage dues in Wallasey Pool is not inconsistent with the claim of the corporation to anchorage dues there, *Shuttleworth* 4322-4327.

See also *Conservancy of the Mersey.*

Sefton, Earl of. See *Molyneux Family.*

Shand, Francis. (Analysis of his Evidence.)—Is a merchant at Liverpool, trading with the East and West Indies; is a freeman of the town, 4946-4948——Considers that the town dues have no effect whatever in diverting trade from Liverpool to London, 4949-4957. 4966-4972——Shows that, in shipping goods from London instead of from Liverpool, to Ceylon, he saves a considerable sum, notwithstanding his exemption from

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the dues, 4949——Inappreciable effect of the town due on sugar, 4957——Or on indigo 4957——The due on salt is objectionably high, but it would have been reduced long since if the power to reduce the dues had existed, 4958-4960.

Belief that the corporation are entitled to the dues, 4961-4963——Approval of an inquiry with a view to a system as nearly as possible of *ad valorem* dues, 4961. 4965——Proportionate increase of the commercial prosperity of Liverpool if the dues go on increasing, 4964, 4965——How far the exemption of witness from the dues is advantageous to him in his trade from the port of Liverpool, 4966-4973. 4984-4988——Slight extent to which the dues may have the effect of relieving witness from the share which he would otherwise pay to the municipal rates, 4974-4983. 4989, 4990.

Sheffield. Witness represents the corporation of Sheffield and the Cutler's Company, *Vickers* 2836——Objection of Sheffield to the Liverpool town dues, on the ground that no consideration is given for them, *ib.* 2837. 2855, 2856——Particulars as to the amount paid in dues by Sheffield; the dock dues on steel and iron are frequently less than the town dues, *ib.* 2838-2861——Exports from Sheffield, rather than imports, mainly pass through Liverpool, and pay the dues, *ib.* 2838——The town dues on exports are not less than 1,500 *l.* a year, *ib.* 2839——High rates in Sheffield; there are no funds, save those of taxation, for local improvements, *ib.* 2845.

Shelley, Spencer. (Analysis of his Evidence.)—Is senior clerk of the Financial Department of the Treasury, 3018——Amounts paid to Liverpool in 1854 and 1855 as compensation for differential dues on account of pilotage and anchorage, 3019, 3020——Explanation as to this payment being now included in the Estimates for Civil Services, instead of being charged upon the gross revenues of Customs; advantage thereof, 3021-3023. 3026. 3036, 3037.

Sections of the Act 59 Geo. 3, c. 54, cited as containing provisions relative to the system of compensation for differential dues, 3024——Sections of the Act 1 & 2 Vict. c. 113, cited as showing the next steps taken by Parliament on the subject, *ib.*——Further enactments on the subject in the Acts 10 Vict. c. 27, and 15 & 16 Vict. c. 47, *ib.*

The Treasury order the payment of the difference of dues between Foreign and British ships on the authority of the foregoing enactments, and according to the amount as ascertained by the machinery of the Trinity Board, 3025, 3026——Amount paid in differential dues for the United Kingdom in each of the years 1820-55; the total amount is 981,630 *l.* 6 *s.* 8 *d.*; 3027-3030.

Practice under the Act 10 Vict. c. 27, in the event of a harbour company coming to Parliament for additional powers, to prevent them from leving differential dues for the future, 3031-3033. 3035. 3038, 3039——Yearly sums paid to Liverpool for pilotage since 1820; 3034——Circumstance of the Trinity Board having relinquished large sums which they formerly received in the way of differential dues, 3039-3042.

Shelley, Mr. Letter from Mr. Spencer Shelley to the Chairman of the Committee, dated 26th June 1856, enclosing papers relative to claims on the consolidated duties of Customs which have been relinquished, or have otherwise ceased, *App. p.* 411, 412.

Shepherd, John. (Analysis of his Evidence.)—Is first master of No. 4 pilot boat at Liverpool, 3134——Has been thirty-eight years in the service, 3135, 3136——Ground over which the pilotage of the port of Liverpool extends, 3139——There are twelve pilot boats, 3140——Numerical force of the pilot service, and of each boat, 3140. 3147-3152. 3154——Allocation of duties to the twelve boats, 3141, 3142——Great danger and responsibility incurred by the pilots, 3142-3146——Difficulties of the service, especially as regards foreign vessels, 3143-3145. 3185-3187——The average tonnage of the boats is eighty tons, 3153——Particulars as to the cost of the boat in charge of witness, and as to the income derived by him therefrom as part owner, 3160-3184——The ownership of the boats is necessarily confined to the pilots, 3188-3190.

Shipping. See *Application of Town Dues. Birkenhead Docks. Diversion of Trade. Docks* (*Liverpool*). *Fleetwood. Freights. Landing Stage* (*Liverpool*). *Street Improvements. Trade.*

Shipping Dues Commission. Witness's attention has been more particularly directed to the present question since the inquiry at Liverpool before the Shipping Dues Commissioners in 1854, *Heron* 2. 148, 149. 156-158——Statement as to the first meeting of the Commission not having been heard of at Manchester, *ib.* 2——It was found, from evidence before the Commission, that very little, if any, money had been expended by the corporation of Liverpool for the benefit of the trade and commerce which paid the dues, *ib.*——Bad case made out by the advocates for the town dues before the Commission, *Livsey* 2596-2599. 2609.

Circumstance of the Shipping Dues Commissioners having in their report treated of the subject of differential dues, though evidence having been tendered them on the subject in Liverpool, no such evidence was taken, *Bremner* 3079-3082.

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Shipment of Goods. Increased facility in shipping goods at Liverpool, if the dock trustees alone were to be dealt with, without reference to the corporation, *Pearson* 1578——Facilities to shippers in passing the Customs entries at Liverpool, *ib.*

Shoreham. Existing claim of Shoreham on the Consolidated Duties of Customs, under the Act 59 Geo. 3, c. 54, in respect of harbour dues; the date of first payment was in 1826, *App. p.* 415——Total amount of 280*l.* 6*s.* 6*d.* claimed on account of differential dues in the year 1855, *ib.* 416.

Shuttleworth, William. (Analysis of his Evidence.)—Concurs in the evidence of Mr. Hull, as to the extent of the limits of the port of Liverpool, 1199——Explanation as to the portion of the River Weaver within the port, 1200–1202.

[Second Examination.]—Witness is town clerk of Liverpool, and a solicitor, 3690, 3691——Has been town clerk since 1844, and has been permanently connected with the corporation since 1832; 3692–3696——The title of the corporation to the town dues having been impugned before the Committee, and in pamphlets circulated on the subject, witness is prepared to show the origin of the dues from books and documents of authority, and to bring down the title of the corporation from the earliest times to the present, 3697–3704.

Up to the time of the creation of the Duchy of Lancaster the dues were dealt with by the Crown, 3705——On the creation of the Duchy of Lancaster in the reign of Edward the Third, they were dealt with as part of the revenues of the Duchy, 3705, 3706——Subsequently to the amalgamation of the Duchy with the Crown, they have been treated as separate and distinct from the general Crown revenues, 3705.

Quotation of two paragraphs from Lord Hale's *De Portibus Maris*, as showing the difference which he makes between customs arising within the land, and customs arising from ports, 3706——Enumeration of several ports at which ancient customs are still levied, and at some of which the title to collect the dues has been matter of litigation, and has been sustained, 3707–3711——At Liverpool the dues for anchorage and the dues upon imports and exports have been paid from the earliest period to which the history of the port can be traced, 3712, 3713.

From the Duchy of Lancaster office and other places witness has procured copies of ancient charters, grants, and leases, relative to the dues at Liverpool, 3714——The copies obtained from the office of the Duchy have been duly examined by Mr. Hardy, and the translations have been made by him, 3715——(Mr. Hardy of the Duchy of Lancaster office states that the documents about to be produced by Mr. Shuttleworth have been collated and examined by himself, and that he has made the translations, 3715.)

Witness delivers in the documents referred to (*App. p.* 421–471), and gives sundry explanations thereon, 3716 *et seq.*——The first document produced is an extract from Doomsday Book, showing that the land, now the site of Liverpool, was *terra regis*, 3616, *and App. p.* 421——Document, dated 28 August 1207, showing that at the time of Henry the Second, Liverpool belonged to the king, *ib.*——Freedom from Customs granted by King John to those who became burgesses in the town of Liverpool, 3716–3718, *and App. p.* 421.

Charter of liberties to the burgesses of Liverpool, dated 24 March 1229, as granted by Henry the Third, 3719, *and App. p.* 421, 422——Lease of the town to the burgesses granted on the same day as the preceding charter, 3720, *and App. p.* 422——Other leases and grants in the reign of Henry the Third, 3721–3728, *and App. p.* 422–424——Documents in the reign of Edward the Third; lease of the town of Liverpool, with all the profits of the same, to William Fitzadam, of Liverpool, and others, 3729–3735, *and App. p.* 425–427——Lease of the lands and profits of the town, by John of Gaunt, to Thomas de la More and others, dated 10 August 1394; 3736–3739, *and App. p.* 427, 428——Sundry other documents (*App. p.* 428, *et seq.*) adverted to, and explanations thereon, 3739 *et seq.*

Reference to a commission from Henry the Eighth to Sir William Molyneux and others, dated 20 June 1514, to inquire as to the tolls and customs of all merchandize bought or sold at Liverpool, 3755, 3756, *and App. p.* 432, 433——Witness delivers in the pleadings in the suit instituted by Sir Richard Molyneux against the corporation in 1555, with reference to the dues and other profits and charges of the town of Liverpool, 3757, 3758, *and App. p.* 433–447——Decree in this suit that the corporation had no title, but that the dues, &c., appertained to the Crown, and were then in the Molyneux family under lease; an injunction was also granted to restrain the corporation from further intermeddling in the matter, 3759–3761, *and App. p.* 448–452.

The corporation having eventually purchased the right of the Molyneux family became possessed of all that had been decreed to be in the Crown and in the family, 3761——Witness proposes to show that the Molyneux family had the property before the suit of 1555, as well as in the years 1586 and 1604; 3762–3764——About this period there were several disputes between the Molyneuxes and the corporation, 3764——Reference to a

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lease for forty-one years, from the Crown to Sir Richard Molyneux, dated 10 May 1604; 3764–3767, *and App. p.* 452, 453.

Reference to the grant from Charles the First to the city of London, dated 9 September 1628; it recites certain loans from the citizens of London to James the First, and to himself, and in consideration thereof conveys to the Corporation of London, amongst other estates and properties, the town and lordship of Liverpool, together with sundry rights and customs appertaining thereto, 3768–3771, *and App. p.* 453–455.

The citizens of London subsequently sold the lordship of Liverpool to the Molyneux family, 3772——And in 1672 the Molyneux family granted a lease of the property to the Corporation of Liverpool for 1,000 years, at a rent of 30 *l.*, reserving the burgages and the passage of the Mersey, *ib.*——In 1777, the corporation purchased from Lord Molyneux his reversion expectant on the determination of the lease, paying 2,250 *l.* for the reversion and the rent, 3772–3774——The deed of 1777 conveys to the corporation the rights and interests of Lord Molyneux in the fullest possible manner, 3774.

There is no record of any lease between 1557 and 1672; 3776——The Molyneux family did not probably retain entire possession throughout the civil war; entry in the records of the Corporation of Liverpool adverted to hereon, 3777——Explanation relative to four grants, dated respectively 1328, 1336, 1357, and 1382, with reference to tolls or dues for the paving of the town of Liverpool, 3777–3779, *and App. p.* 455–457.

Reference to a document dated 1292, showing that, at that early period, the port of Liverpool comprised sea-board at Crosby, near the mouth of the Mersey, facing the Irish sea, 3780–3784. 3895, *and App. p.* 457, 458——Witness contends that the grant of Charles the First conveyed the port as well as the lordship, 3785. 3798 *et seq.*——The first mention of a mayor of Liverpool occurs in a letter from Edward the Third, dated 19 May 1356; 3786——Witness produces several mandates in the years respectively, 1327, 1333, 1335, 1356, and 1361, bearing upon the question of the port and town of Liverpool, 3786–3791, *and App. p.* 458–461.

Charter of Edward the Third, in 1351, creating Henry, fourth Earl of Lancaster, Duke of Lancaster, and creating the county of Lancaster a county palatine, 3794, 3795, *and App. p.* 461, 462——Reference to a document from the records of the corporation, dated 7 October 1659, showing that the Crown for that year exercised jurisdiction, at least as far as Birkett Pool, now called Tranmere Pool, 3796, 3797, *and App. p.* 462——Entry in the records of the corporation in 1567, adverted to as showing that the corporation were then exercising jurisdiction over the water, 3799, 3800, *and App. p.* 462——Sundry other entries in 1567 and subsequent years, showing that customs were levied on ships at different parts of the Mersey away from Liverpool, 3801–3807, *and App. p.* 462, 463.

Entry in the records of the corporation in 1571, quoted as referring to vessels passing the town and port of Liverpool, 3801–3803——Reference to an entry in 1671, describing the boundaries of the town and port of Liverpool, 3810–3814, *and App. p.* 463——This entry in 1671, was the year before the commencement of the lease from the Molyneux family for 1,000 years, 3811, 3812——Circumstance of the process of the Court of Passage having been put in force all over the waters of the Mersey, since witness's connexion with the corporation, 3815——The Court of Passage is an old court of record, and is a prescriptive court, 3815–3818.

The earliest recorded receipt from town dues was in 1571; extracts from the corporation records hereon, showing the receipts, in-gate and out-gate, 3819–3823, *and App. p.* 464–467——A "town's customer," or receiver of customs, &c., was first appointed at Liverpool in 1571; his duties, 3824, 3825——At Runcorn a town's customer was first appointed in 1818; 3826.

The case of the Corporation of Liverpool *v.* Bolton and others, originated in the combined attempt of several merchants to dispute the legality of the town dues, 3827——Some of the merchants considered that the corporation was entitled to something, but that the dues were in many instances too high, 3828——The corporation were advised that whilst their title was in dispute, they could not do anything towards reducing the dues, *ib.*——In 1825 the corporation had voluntarily agreed to accept smaller sums in respect of certain articles, 3828. 3830, 3831.

About 60 actions were brought by the corporation to enforce their right to the dues, but it was agreed that the case against Bolton and others should alone be tried, 3829. 3832. 3867——This case was tried at Westminster before Lord Denman, in February 1833, and the verdict was in favour of the corporation for the full amount claimed (486 *l.* 9*s.* 10*d.*), 3834, 3835. 3850, 3851——Certified copy of the judgment delivered in (*App. p.* 468–470); it was signed on 21 December 1833; 3835.

Witness was not present at the trial, but had assisted in preparing some of the documentary evidence for the corporation, 3836, 3837——It was admitted on the trial that goods had been landed at Runcorn and at the magazines, expressly for the purpose of raising the question of liability there, 3838–3843——Mr. James Lowe, the defendant's attorney, had certain documents in his possession at the trial, but did not produce them; he

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he did, however, subsequently produce them before the Municipal Corporation Commission at Liverpool, 3844——Counsel for the defendants in the trial, *ib.*

Reference to the printed copy of the bill of exceptions to the summing-up of the judge in the case of Bolton and others, as being a correct copy, 3845-3848——Quotation of the questions put by the jury to the judge, before returning their verdict, and of the answers thereto, as to whether consideration in the form of services rendered by the port was not necessary to support the claim of the corporation, 3849, 3850, *and App. p.* 470, 471—— Question put by the jury as to Runcorn being within the port; how settled by the judge, 3850, *and App. p.* 470, 471——Reference to the summing up of Lord Denman in regard to town dues on new articles, 3852, *and App. p.* 471.

Explanatory statement as to the delay in settling the bill of exceptions; steps taken by the corporation to expedite the matter, 3853-3864——Explanation of the sense in which it may be said that the corporation compromised the action in question, 3865-3867——Reference to a statement by Mr. James Aikin, one of the associated merchants on this occasion, that the defendants' counsel advised them to get out of the action as quickly as possible, 3865-3867——Arrangement under which the corporation agreed not to ask for costs, 3867——No attempt has been made since the action to dispute the title of the corporation, 3868, 3869.

With reference to the action brought by the Corporation of Exeter to recover town dues upon goods landed at Teignmouth, it involved all the points, more especially as regards want of consideration, urged against the claim of the Corporation of Liverpool, 3870, 3871. 3873. 3889——The judges who tried this case, that is with reference to a rule nisi for a new trial, were Lord Denman, Mr. Justice Coleridge, Mr. Justice Patteson and Mr. Justice Williams, 3871——The case was first tried by Mr. Justice Coleridge at the assizes of Devon, *ib.*——Witness reads the judgment of the Court of Queen's Bench, as delivered by Lord Denman, showing the grounds of the Court for discharging the rule, 3871, 3872——Proper ground upon which Mr. Justice Coleridge rested the question of consideration for the dues 3871. 3873. 3893, 3894.

Explanation that in the case in 1692 between the Corporation of Liverpool and Lancaster, the corporation alleged they were in the habit of making expenditure on the harbour, &c., but did not admit that such expenditure was obligatory upon them; report of the case, cited, 3874——The freemen of Lancaster have continued to pay town dues ever since the decision in this case, 3875, 3876——The title set up by the corporation was by prescription, 3877.

The litigation in 1695 between the Corporation of Liverpool and the citizens of London was with reference entirely to the exemption of the latter from the dues, 3878——The decree was that freemen of London were exempt; this, however, has since been confined to freemen resident within the City, *ib.*——In the case of 1695 the corporation again set up a title by prescription, 3879.

Statement that the litigation in 1830-1833 was anything but a friendly suit, 3880——After the action was brought, the first thing done was to file a bill of discovery against the corporation, to get them to set out their title, *ib.*——Reference to the explanation by Mr. Statham, town-clerk of Liverpool at the time of the Chancery proceedings consequent upon the litigation in 1830, as to the error under which he had on a previous occasion rested the title of the corporation upon prescription or usage, 3881. 3886.

With regard to a letter in 1789 from Mr. Henry Brown, then assistant town clerk of Liverpool, to Mr. Hargrave, then recorder of Liverpool, witness reads the same to the Committee, and infers from it that had Mr. Brown further pursued the question of title he would have discovered that it rested upon a continuous line of legal documents rather than upon prescription, 3882-3885—— Mr. Okill, formerly an officer of the corporation, is the gentleman to whom the corporation are indebted for the development of the title, 3886.

Reason for the corporation resting their title upon prescription during the time that they were lessees under the Molyneux family, 3887——Absence of any condition in any of the grants or leases that there should be a consideration for the dues in the shape of expenditure on the harbour, 3888——Reference to several deeds of ancient date in the possession of the solicitor of Lord Sefton, as showing that the dues, or the rent from the dues, were dealt with by the Molyneux family entirely as private property, 3889-3892.

Grounds for concluding that the Commission of Charles the Second for defining the boundaries of customs ports did not extend the limits of the Port of Liverpool, 3895, 3896——Circumstance of its having been settled in the Exeter case, that whatever might be the effect of the Commission of Charles the Second for fiscal purposes, it could not explain the ancient enjoyment, 3897, 3898——Reference to entries in the old records of the corporation, to the effect that repairs to the harbour were done voluntarily and not as obligatory in return for the dues, 3899.

[Third Examination.]—With reference to former evidence (Q. 3811) explains that though the lease from the Molyneux family did not commence till 1672, there was an

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agreement in 1671 for the lease by which the corporation was then in possession, 3900——This agreement will be produced by Mr. Stanistreet, Lord Sefton's solicitor, *ib.*

Further reference to the case in 1695 of certain freemen of London, to the effect that the claim to the dues was not then vested entirely on prescription; office copy of document in the Public Record-office delivered in, explanatory of this case, 3900, *and App. p.* 471–474.

Lease from Henry the Eighth to Thomas Holcroft, dated 20 February 1537 (*App. p.* 474); it recites the town and lordship of Liverpool, together with certain tolls, customs and anchorage, 3900——This lease was subsequently assigned by Thomas Holcroft to Sir William Molyneux, *ib.*——Sub-leases were afterwards granted by Sir William Molyneux, of one moiety to the corporation of Liverpool, and of the other moiety to Edmund Gee of Chester; these sub-leases, which expired in 1554, will be produced by Mr. Stanistreet, 3900, 3901.

Reference to a lease for forty-one years in 1555 granted by King Philip and Queen Mary to Sir Richard Molyneux and William Molyneux, comprising the lordship of Liverpool, the ferry-boat and passage of the Mersey, and certain tolls, anchorage, &c., 3901, *and App. p.* 474, 475——Mr. Stanistreet will produce a sub-lease granted of the foregoing to the corporation of Liverpool in 1557, from year to year, 3901, 3902.

[Fourth Examination.]—Delivers in the lease from Henry the Eighth to the Molyneux family in 1545, upon the surrender of a former lease granted to Thomas Holcroft, 3909, *and App. p.* 486, 487——Also an account in 1553, showing that a rent of 14 *l.* 6*s.* 8*d.* was paid to the Duchy of Lancaster by Richard Molyneux for the farm of the town of Liverpool, 3909, *and App. p.* 488.

Witness also delivers in a lease dated 28 October 1586, whereby Sir Richard Molyneux surrenders the lease granted in 1555 by Philip and Mary, and a new lease is granted for 31 years at the same rent of 14 *l.* 6*s.* 8*d.*, 3909, *and App. p.* 489, 490——Also sundry extracts from the steward's accounts of the Molyneux family, from the year 1581 to the year 1685, accounting for the rents; these have been examined with the originals by Mr. Hardy, 3909, *and App. p.* 490–503.

Witness has now completed his documentary evidence relative to the title of the corporation to the town dues, 3910——The original grant from Charles the First has not been put in, the deeds being of very great length, 3911——The bill of exception in the case against Bolton and others is being examined, and shall be produced, 3912.

Statement in detail relative to the Liverpool Dock Estate, 3912 *et seq.*——The first Dock Act was passed in the eighth year of the reign of Queen Anne; it authorised specified tonnage rates for twenty-one years upon ships using the dock, and a sum of 6,000 *l.* to be raised, 3912—— Under this Act the parties incorporated are the governing body of the corporation, 3912, 3914——Definition in the third clause of the Act of the limits of the port of Liverpool, 3913, 3914.

The next Dock Act was the Act 3 Geo. 1; it recites the former Act, and authorises a further sum of 4,000 *l.* to be raised, and continues for fourteen years longer the duties granted by the first Act, 3914, 3915——The mayor, bailiffs, and burgesses constitute the corporation, *ib.*——The next Act is the 11 Geo. 2, c. 32; it recites the two former Acts, and that the money had been borrowed, and authorises the construction of another dock, 3915.

Subsequently to the Act 11 Geo. 2 various other Acts were passed, in which all the rates authorised to be charged are tonnage rates, 3915——Clear distinction shown by these Acts, and the proceedings under them, between the estate of the dock trustees and of the corporation, *ib.*——Reference to the authority under the Act 2 Geo. 3 to purchase and hire land for the erection of lighthouses, *ib.*

Under the Act 51 Geo. 3, c. 143, the dock trustees, as a separate body, were first incorporated, the trust previously having rested with the governing body of the corporation, 3915——Power of the dock estate under this Act to hold land, houses, and other property, *ib.*——Statement as to the corporation having, by grants of land and by money, laid the foundation of the present great dock estate, *ib.*——The dock trust was constituted as a public trust without beneficial interest to any individual, and without the payment of any dividend, *ib.*

Statement that the corporation gave upwards of thirty-nine acres of land for the docks, besides contributions towards forming the earlier docks, 3915. 3920-3926——Principle of the Liverpool Dock Acts that money be borrowed for the docks, and that after payment out of the dock rates of the interest thereon, any surplus receipts should go towards a reduction of the rates, 3915——Belief that the rates now chargeable are not the maximum rates allowed by the Acts, *ib.*——Different constitution of the dock committee previously to the Act of 6 Geo. 4, and under that Act up to 1851, *ib.*

By the Dock Act of 1851 the committee consists of twenty-four members, twelve elected by the council and twelve by the dock ratepayers, 3915——The committee appoint

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appoint their own chairman and deputy chairman; the chairman, however, being one of the twelve members elected by the council, 3915——The council have a veto upon the proceedings of the committee by a majority of two-thirds, *ib.*——Reference to a Report made by the Board of Trade to the House, during the present session, relative to the constitution of the committee, 3915, 3916.

Since 1851 the veto of the town council has been exercised only once, and that was upon a question on which the council afterwards gave way, 3916——Witness has a list of all the vetoes since 1825, previously to which no veto existed, and finds there have been but twelve altogether, 3916–3918——Enormous increase on the trade and commerce of the port of Liverpool since the first construction of the docks, *ib.*

Reply in detail to statements which have been made before the Committee, impugning the conduct of the Corporation of Liverpool in their dealings with the dock estate, more especially as regards land purchased from the corporation by the estate, 3916 *et seq.*——Reference to a statement before the Municipal Corporation Commission at Liverpool by Mr. Foster, then town clerk, as to the mode in which purchases were formerly made from the corporation, 3916, 3917.

Explanatory statement with reference to certain transactions under the Act 51 Geo. 3, whereby the powers of the dock solicitor seem to have been vetoed and interfered with by the corporation, 3916, 3917——Mistake under which such interference arose; correction of the same by the Dock Act, 9 Geo. 4, c. 114, *ib.*——Entry in the books of the corporation, dated 5th April 1825, with reference to the transaction in question, 3917——Statement by Mr. Foster and Mr. Robert Gladstone before the Municipal Commission, showing that the interference of the corporation in the matter took place by mistake, *ib.*

Reference to Mr. Stewart, Mayor of Liverpool, and a surveyor of great eminence, as being prepared to explain in detail to the Committee every transaction between the corporation and the dock trustees, 3917——Exercise of the power of veto by the council in the matter of a floating bath, 3918——Veto in respect of excavating the rock, and enclosing the ground to the north-west of Prince's Dock, *ib.*——Veto by the council in 1835, and again in 1840, upon the question of the admission of reporters to the proceedings of the dock committee; in the first instance, the veto applied to their admission, and in the second instance to their non-admission, 3918–3920.

Explanation of the veto exercised by the council or corporation in 1848, with reference to the proceedings in the case of the purchase of land from Lord Derby, 3920——Explanation of the veto by the chairman of the dock committee in 1849, of the proposal of the committee to petition against the rating the docks, *ib.*——Explanation of the veto exercised upon the question of the mode in which certain accounts as to the cost of Albert Dock had been made out, *ib.*——Explanation of the veto in 1851 upon the question of a retiring salary to the solicitor of the dock estate, *ib.*

The only veto since the altered constitution of the dock committee in 1851, was with reference to a proposition to alter the mode of executing certain work after tenders had been received; withdrawal of this veto after some explanation, 3920——With regard to statements that the corporation have not given land to the dock estate, witness further shows that such is not the case, 3920–3926.

Under the Act 25 Geo. 3, in 1775 the corporation gave twelve acres of land for the docks, 3920–3922—— Under the Act 51 Geo. 3, they gave upwards of four acres, and enlarged the Queen's Dock at a cost of 15,000*l.*; return given by the dock estate in this case, 3922, 3923. 3925——Under the Act 39 Geo. 3, there was a sale of land to the dock estate at the same price as was paid for it by the corporation, 3924, 3925.

Under the Act 6 Geo. 4, c. 187, the corporation made a free grant of the reversion of property for dock purposes, which was worth about 21,000*l.*, 3925, 3926——In contributions, &c., the corporation have given about 40,000*l.* in money towards the docks, 3926——Explanatory statement relative to the mode of payment of the police employed at the docks; the dock trustees pay only for those who are employed exclusively on the property of the trust, *ib.*

Explanation as to the dock trust paying the expense of watching and lighting along the dock quays, 3926——Also as to their paying the cost of paving, and repairs done to the dock quays, *ib.*——Reference to the power of the dock trustees under the Act 9 & 10 Vict., to enclose several streets which had before been dedicated to the use of the public; assistance from the corporation to the amount of about 30,000 *l.* towards making one of these streets of the proper width, &c., *ib.*

With regard to the lands in Wallasey Pool, purchased by the corporation, witness refers to the statement hereon of Mr. Foster before the municipal inquiry, 3926——These lands originally belonged to Mr. F. R. Price, and were purchased from him by persons from whom the corporation purchased, *ib.*——Proceedings of the corporation and of the dock trustees in 1828, relative to the land in Wallasey Pool, *ib.*——Circumstance of the dock committee having opposed the intention of the corporation to construct docks at Wallasey Pool, *ib.*

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The corporation held the Wallasey Pool property until 1843 and 1844, when they sold the whole of the land on the south side of the pool on leases for seventy-five years, 3926 ——This is the ordinary mode of leasing adopted by the corporation, *ib.*——With regard to the price paid for the land, there was on the whole transaction but a very small profit, *ib.*——The interest of the lessees of the corporation in the land was subsequently bought by the Birkenhead Dock Company, *ib.*

Between 1844 and 1855 various works were authorised by Acts of Parliament at Wallasey Pool, but the Birkenhead dock trustees were unable to raise the necessary funds, 3926——Bills brought forward in the Session of 1855 by the Liverpool dock trustees and the Birkenhead dock trustees, *ib.*——These Bills were referred to a Select Committee, of which Mr. Labouchere was chairman, and the result was a recommendation that the docks should be placed under one control and management, with an assimilation of dock rates on both sides of the river, *ib.*

Agreement, subsequently, between the opposing parties for a purchase of the Birkenhead properties by the Corporation of Liverpool, 3926——One stipulation in this agreement was, that the consent of the Board of Trade should be given to the purchase, *ib.* ——Reference to a letter, at this point of the proceedings, from the mayor of Liverpool to the Board of Trade, dated 14 May 1855; 3926, *and App. p.* 503-506——Report subsequently by the Board of Trade, dated 4 June 1855, containing several recommendations as to the mode and conditions of the transfer to the corporation, 3926, *and App. p.* 506–509.

Non-approval, by the Select Committee referred to, of the recommendations of the Board of Trade, 3926——A Bill was subsequently passed, authorising the transfer of the properties to the corporation, who now hold them under the provisions of the Act, *ib.*——The corporation have issued bonds to the amount of 1,143,000 *l.* for the purchase of the property, *ib.*——They have authority to borrow 500,000 *l.* for the completion of the works, *ib.*——It is computed that the cost of the docks, and of bringing them into practical operation, will cost the Corporation of Liverpool not less than two millions sterling, *ib.*

The debt of the corporation, independently of their liability for the Birkenhead docks, amounted on 31 August 1855, to 1,007,362 *l.*; 3926——Exception taken to Mr. Heron's statement, (*Q.* 132), as to the information given by the corporation before the Shipping Dues Commissioners relative to the debt, *ib.*——In 1836, the year after the passing of Municipal Corporations Act, the debt was 1,008,561 *l.*, *ib.*——Details explanatory of the ingredients of the debt, *ib.*

Statement showing, that under various Improvement Acts, from 1786 to 1837, the corporation expended 846,791 *l.* in widening and improving the streets, and forming communications to and from the docks, 3926——Reference to the provisions of the Scottish Burghs and Harbours Bill, as empowering certain burghs to levy rates on vessels entering or using their harbours, *ib.*——Great inconvenience to the trade and commerce of the port of Liverpool, if the corporation had not expended considerable sums in improving the accesses to and from the docks, *ib.*

Explanation relative to the Improvement Bill introduced into Parliament by the corporation in 1854, and subsequently withdrawn; it contemplated more especially the opening of a new street from St. George's Hall to the Town Hall, 3926——Origin of another Improvement Bill introduced in the Session of 1855; withdrawal of this Bill explained, *ib.*——The corporation have now postponed, in favour of the completion of the Birkenhead docks, improvements which are urgently required for the convenience of the trade of Liverpool, *ib.*

Inaccuracy of the assumption, that the benefit of the street improvements is confined to the inhabitants of Liverpool, 3926——The statement of Mr. Heron, (Q. 132), that 160,000 *l.* had been expended by the corporation in improving Bold-street is altogether erroneous, the corporation never having made any improvement in that street at all, *ib.* ——Statement showing, that in land and money the corporation have given absolutely about 110,000 *l.* towards the building used for Customs and Inland Revenue purposes, *ib.*

In 1840 the corporation made a free grant of a piece of land, valued at 8,500 *l.*, as the site of a sailors' home, 3926——In 1844 they made a grant of land as a site for a hospital for persons receiving accidents in the docks, *ib.*——They have constructed the River Craft Dock at a very large outlay, for the convenience of the coasting trade; the rental of a dock not being 2½ per cent., *ib.*——They have also erected an observatory at a cost of 8,000 *l.*; explanation hereon, *ib.*——Statement as to the loss incurred by the corporation through the erection of a powder magazine at Liscard, on the Cheshire shore, *ib.*

Explanation relative to the landing-stage about to be erected by the corporation at an estimated expense of 180,000 *l.*; no charge will be made for the use of it, and the money borrowed for its erection will have to be liquidated by means of a sinking fund, 3926——The cost of keeping up the stage and providing attendants will be about 2,000 *l.* a year, *ib.*——Expenditure by the corporation of more than 5,000 *l.* on a building

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building and machinery for testing cables; the expenses nearly always exceed the income, 3926——The corporation have also expended 30,457 *l.* on the erection of a light-house at the Rock, *ib.*

Provisions in the Act 10 Geo. 4 relative to the erection and maintenance of the Wallasey Embankment, 3926——The corporation have paid 30,359 *l.* in respect of the embankment, up to the present time, and pay a yearly charge of 1,665 *l.* for its maintenance, *ib.*——Reference to the expenditure, in former years, by the corporation, in legal and other proceedings for preventing encroachments upon the river, *ib.*——Independent body in which, under the Act 5 & 6 Vict. c. 110, the conservancy of the Mersey is vested, *ib.*——Liability of the corporation in regard to the cost of the conservancy, *ib.*——Nature of the inspection by Captain Evans, the present conservator, *ib.*

Expenditure by the corporation, a few years ago, of 2,282 *l.* towards the dredging of the river, 3926——Employment, by the corporation, of a water bailiff, from the earliest times to the present; nature of his duties, *ib.*——Reference to the erection, by the corporation, of a building at Liverpool for holding the assizes of the southern division of the county there, when transferred from Lancaster in 1835, *ib.*——Explanation of the circumstances under which the construction of St. George's Hall was undertaken by the corporation, *ib.*——Considerable expenditure of the corporation, in former years, towards the water communications between Liverpool and the manufacturing and mining districts, *ib.*

Explanation of the practice relative to the exemption from town dues of goods exported or imported by freemen, 3926——Freedom can now be acquired only by birth or servitude, *ib.*——Non-exemption of all freemen who are not born, or serving their apprenticeships, or admitted free on 5 June 1835, *ib.*——Quotation of the views of Lord John Russell and the late Sir Robert Peel, as expressed on the Municipal Reform Bill, in favour of the continued exemption of persons having inchoate rights, *ib.*——Statement showing the number of freemen of Liverpool and other places who are entitled to exemption from the dues, as well as the number who have availed themselves of the privilege, *ib.*

With regard to the amount received by the corporation for town dues, it was 109,633 *l.* in 1855, and 125,574 *l.* in 1854; 3927. 3929——The anchorage dues in 1855 were 1,038 *l.*, 3927——The amount of the town dues is stated every year in the published accounts of the corporation, 3928.

[Fifth Examination.]—With reference to the record, in 1671, of the boundaries of Liverpool, witness infers that the same was most probably the result of the agreement entered into in that year for the purchase of the lease from the Molyneux family, 3930. 4201——The boundaries as thus laid down further cited, 3931——Explanation as to the customs port, in 1658 and 1660; limits of the port, as laid down in 1658, by Mr. Sandford, Surveyor-general of Customs, and by other customs authorities, in 1660; and as also shown by entries which witness reads from the records of the corporation, 3931, 3932.

Report made by the Town Dues Committee to the Council, dated 2 June 1834, showing the final determination of the matters involved in the trial of 1833; 3935——Statement in this report that the object of the action was to establish the legality of the dues, and that they had been thereby established upon the firmest legal basis, *ib.*

With regard to the transactions between the corporation and the Liverpool dock trust, witness further states the practice in regard to the purchase of land by the latter, 3936——Further evidence relative to the vetoes exercised by the council over the dock trustees; resolutions of the council delivered in, explanatory of the circumstances of each case, 3937-3946, *and App. p.* 509-513——Graving-docks at Liverpool were first constructed by the corporation, and were the first graving-docks in the western ports, 3947, 3948.

Practice of the corporation, previously to the passing of the Municipal Corporations Act in 1835, to accept less sums as compositions for articles on which it may have been shown that the dues were too high, 3950——Compositions or reductions made by the corporation in 1825, in 1829 and 1834; resolutions of the council delivered in, in explanation, 3950-3954, *and App. p.* 513-515——Reference to the 92d section of the Municipal Act as operating against any further reduction of the dues, 3956-3958. 4053, 4054——Explanation as to the smaller sums or compositions resolved upon in 1834, having been continued under the Municipal Act; resolution of the council, dated 3 January 1838, adverted to hereon, 3959-3963, *and App. p.* 515.

Increasing amount of Liverpool town dues received at Runcorn since 1836; 3964——Statement of the tonnage of vessels charged with town dues at Runcorn in each of the years 1819-1855; immense increase of trade shown thereby, 3964, *and App. p.* 515——Circumstance of the trade of Runcorn having largely increased, notwithstanding the diversion of the traffic by railway direct from Liverpool, 3965-3968.

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Statement showing that in the year 1849-50 town dues to the amount of 419*l.* 3*s.* 4*d.* were levied in Manchester, 3969——These dues were levied under the Act 7 & 8 Vict. c. 31, for warehousing foreign goods for home consumption; provisions of the Act hereon, 3970-3973——The Act provided that any surplus arising from the dues after the payment of the Customs' officers for collection, &c, might be applied to local improvements, 3973. 3978-3982——The town council of Manchester obtained a list of the Liverpool dues with a view to the working of the Act, 3975-3977.

With reference to the market toll at Manchester, witness contends that the money taken by the corporation from the railway companies constitutes a case precisely analogous to that of the Liverpool town dues, 3983-3987——Reference to Lord Denman's summing up in the case of 1833, as showing the legality of the dues, though the corporation may have done nothing for keeping up the port, 3988, 3989——Legality of town dues in the Exeter case, also adverted to, 3990——Establishment by Sir Oswald Moseley of his right to the Manchester market tolls, 3991, 3992——Their purchase by the corporation for 200,000*l.*, adverted to, 3993——Considerable increase in their amount since purchased by the corporation, 3994.

There are 116 boroughs throughout England which have tolls or dues of some sort, 3995-3997——Witness quotes the views expressed in Parliament, during the discussions upon the Municipal Corporations Bill, by several of the most eminent statesmen of the time; due recognition therein of the existing rights of corporate bodies, 3998-4007——Reference to sundry trials since the passing of the Municipal Act, in which it has been determined that the new corporation is identical with the previous corporation, and that the Act does not affect the rights or liabilities of the old corporations, 4008-4018.

With regard to the question of compensation in the event of the abolition of dues and tolls, witness refers to the Act 59 Geo. 3, and other of the Reciprocity Acts, as showing their full recognition of the principle of compensation, 4019 *et seq.*——Compensation also provided under the Act 6 & 7 Will. 4, c. 79, relative to the purchase of lighthouses, 4022——Compensation also provided under the Act abolishing petty customs, anchorage, and groundage at Southampton, 4023-4027.

Reference to the Act abolishing certain petty customs payable in the port of Leith, as also providing that compensation be awarded, 4028-4030——Provision in the Teignmouth Harbour Act for compensation to the Corporation of Exeter, in regard to town dues levied on goods imported into the harbour, 4031-4034——Compensation provided in the Act 1 & 2 Vict. c. 120, abolishing duties payable on the coinage of tin in the counties of Cornwall and Devon, 4035-4037——Compensation also to the Corporation of Dundee, under the Act 11 Geo. 4, c. 119, in regard to certain dues extinguished in 1841; 4038, 4039.

Explanation as to the Liverpool Corporation having built and endowed several churches, 4040-4042——Statement as to there being no borough-rate in Liverpool, 4043——Since 1847 the paving and sewering-rate has been levied by the corporation, *ib.*——Tabular statement delivered in, and explanation thereon, relative to the rates levied by the council on the several townships, in each year since 1847; these and the poor-rate amount on an average to 301,577*l.* a year, 4043, 4044, *and App. p.* 516, 517——The corporation have nothing to do with the poor-rate, 4043. 4045——Explanation as to the practice in regard to levying the watch-rate; it does not actually come into the corporate funds, 4046, 4047.

With regard to the passage or ferry across the Mersey, it was evidently a ferry from the town to the Cheshire side, 4048——Explanation relative to the grant of land by the Crown for the purpose of the Birkenhead Docks, 4049-4051——The South Reserve was a free grant by the Crown, but a considerable sum was paid for the North Reserve, 4049, 4050.

Further statement and examination thereon as to the limits within which the corporation claim to levy dues, 4055-4057. 4080-4085. 4088 *et seq.*——As regards anchorage, the corporation claim to levy 1*s.* upon every coasting vessel, 1*s.* 3*d.* upon every British vessel coming foreign, and 1*s.* 6*d.* upon every foreign ship, 4058——The town dues are claimed in respect of all goods coming in or going out, landed or shipped, 4059, 4060.

The corporation do not claim any right to increase the dues which they have once levied, 4061——They have not claimed the right of decreasing the tolls save by way of compositions, as already explained, 4062-4066——With respect to the mode of enforcing the dues, the goods were formerly seized for the purpose, but an action at law is the only mode which witness would advise, 4067-4073.

The freemen of Liverpool are not exempt from the anchorage dues, 4074, 4075——The freemen of London, resident within the City, and the freemen of Bristol, Waterford and Wexford, as well as those of Liverpool, are exempt from the town dues, 4076——All goods coming down the Mersey, and not going to sea, are not chargeable, whether consumed in Liverpool or not, 4077-4079——The same limits apply to the anchorage dues

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dues as to the town dues, 4081-4085——The term "keel toll" is interpreted as synonymous with anchorage, 4086, 4087.

Examination with reference especially to the words "the town and lordship of Liverpool, parcel of the honor of Lancaster, with every of their rights, members and appurtenances," as contained in the original grant from Charles the First; argument that, as explained by usage, the term "lordship" comprises the port, 4088 *et seq.*——Doubt as to the construction to be placed on the term "lordship," if interpreted apart from the other words of the deed, 4102-4109. 4127-4155——Reference to the reversion of the property to the corporation with respect to the meaning of term "town or borough;" doubt as to the word "borough" occurring in the original deed at all, 4106, 4107. 4155, 4156.

Reluctance of witness to attempt a definition of any word in the deed taken separately, or to tie the corporation to his personal opinion, 4151. 4167. 4175——The corporation have never exercised the right of ferry, 4158——Point on the Cheshire side to which the right of ferry most probably applied, 4159-4161——Question as to the area comprised under the terms "passage over the water of Mersey there," as contained in the grant from Charles the First; opinion that the word "there" does not limit the right to the lordship, exclusive of the appurtenances, 4162-4174.

Evidence on which witness rests the statement that the port of Liverpool anciently extended to the limits now contended for, 4177 *et seq.*——Reliance placed upon usage in support of the title of the corporation, 4177 *et seq.*——Question as to any extant evidence assigning the limits previously to the original grant, and assigning them in accordance with the claim by user, 4201 *et seq.*

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Further mention of the late Mr. Okill, the gentleman who laid the foundation of the title of the corporation by grant, 4266-4268——The present Mr. Justice Cresswell went through the whole title of the corporation, 4269, 4270——Notwithstanding a passage in Lord Hale's *De Portibus Maribus*, witness further maintains that the port was included in the grant of Charles the First, 4263-4274——The right to arrest is coincident with the limits of the port, 4275-4280.

[Sixth Examination.]—Explains that the word "borough" does not occur in the original deed of conveyance of the reversion to the corporation, 4280——Will lay before the Committee a duly corrected copy of the bill of exceptions in the matter of the trial of 1833; 4280, 4281——Will also deliver in a copy of the shorthand writer's notes of the trial, 4282.

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Lease from year to year from the Molyneux family to the corporation adverted to in connexion with the claim of the corporation to levy tolls at Frodsham, and all over the lordship or port of Liverpool, 4839-4846——As explained by user, witness further contends that the words "town" and "lordship," as appearing in certain of the documents laid before the Committee, convey the limits claimed by the corporation, 4841-4851.

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Skerries. Reference to the payment of 446,000 *l.* for the patent right to put up a light on the Skerries, such right having originally cost some 3,000 *l.*, *Stewart* 5114.

Cessation since 1842 of payments to the Skerries, under the Act 59 Geo.3, c. 54, in respect of claims on the consolidated duties of Customs for light, *App. p.* 411. 413.

Slate. Slate is a heavy article of trade at Runcorn; it pays a town due of 2 *d.* per ton to Liverpool, *Rigby* 497–502.

Sligo. Cessation since 1846 of payments to Sligo, under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs, for harbour dues and pilotage *App. p.* 412. 414.

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Soap. Large consumption of soap in the Bradford manufactories; Liverpool town dues of about 400 *l.* a year on the materials for soap, *Salt* 2234–2238. 2245–2248.

Southampton. Collection of ancient petty customs at this port, *Shuttleworth* 3707–3710 ——Compensation provided for Southampton under the Act abolishing petty customs, anchorage, and groundage, *ib.* 4023–4027.

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Southport. With regard to Southport, Liverpool town dues may be levied there, but there is not any traffic there to make it worth while, *Pearson* 1670–1674.

Witness complains of the claim of the corporation of Liverpool and of the dock trustees to levy dues over about seven miles of land belonging to him, along the coast, between Formby Point on the seaside and Southport, *Blundell* 2805 *et seq.*——Co-extension of the limits for collecting town dues with those for collecting the customs; want of authority hereon, with reference more especially to town dues, on witness's property, *ib.* 2808 *et seq.*——Detriment to the public interest if dock and town dues be levied at Southport and on the south bank of the Ribble, *ib.* 2817, 2818.

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Stanistreet, John. (Analysis of his Evidence.)—Is Solicitor to Lord Sefton, 3903——Produces an original lease, dated 15 March 1530, and delivers in a copy thereof, between Henry Accres, of Derby, of the one part, and certain of the burgesses of Liverpool of the other part; sundry customs, tolls, &c., recited therein, 3904, 3905, and *App. p.* 476——Also produces a lease in 1539 by Sir William Molyneux to the corporation of Liverpool of a moiety of certain premises, tolls, customs, &c., previously leased by Thomas Holcroft to Sir William Molyneux, 3905, and *App. p.* 476, 477——Also a lease in 1546 to Edmund Gee of the other moiety of the premises, customs, and anchorage, &c., recited in the lease from Thomas Holcroft, 3905, and *App. p.* 477, 478.

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Reference to an abstract of a deed (much mutilated), dated 4 December 1635, being a bargain and sale between the corporation of Liverpool and other parties, in consideration of a rent of 14*l.* 6*s.* 8*d.*; 3905, and *App. p.* 479, 480——Opinion as to the inaccuracy of evidence that the possessions of the Duchy of Lancaster were limited to the county, 3905. 3607, 3908.

Reference to a deed (which witness reads to the Committee), dated 8 May 1566, showing that the dues were dealt with by the Molyneux family under trust for the purpose of forming marriage portions, 3905, 3906, and *App. p.* 480, 481——In all the documents of the Molyneux family which witness has examined, the tolls and customs mentioned therein appear to have been dealt with as private property, not subject to any kind of trust for public purposes, 3906——Abstract of a jointure deed, dated 19 and 20 September 1654, showing that the rent for the dues was dealt with as part of the family estates, 3906, and *App. p.* 481, 482.

Witness delivers in an abstract of articles of agreement, dated 20 March 1671, whereby Lord Molyneux and his son Richard Molyneux agree to execute a lease for 1,000 years to the corporation of Liverpool, 3906, and *App. p.* 482——From the foregoing date it appears that the corporation were in equity the owners of the premises, &c., comprised in the lease which was executed in the following year, 3906.

Statham, Mr. Quotation of the evidence at Liverpool of Mr. Statham, formerly town clerk of Liverpool, before the Municipal Commissioners, with regard to the tables of duties and the levies upon new articles, *Part* 3684.

Reference to the explanation by Mr. Statham, at the time of the Chancery proceedings consequent upon the litigation in 1830, as to the error under which he had, on a previous occasion, rested the title of the corporation to the town dues upon prescription or usage, *Shuttleworth* 3881. 3886.

Steam Engines. If a steam-engine, by purchase or other means, could become free of the town dues of Liverpool, that purchase would, indirectly, be worth from 1,000*l.* to 2,000*l.*, *Ashworth* 651–653.

Steel. The Liverpool town dues average about 9*d.* a ton on steel exported, *Vickers* 2843, 2844. 2859——Less dock dues than town dues on some shipments of steel sent by witness's firm at Sheffield, *ib.* 2851. 2857.

Stewart, John. (Analysis of his Evidence).—Is Mayor of Liverpool, 4991——Since the latter end of 1824 all purchases by the Liverpool Dock committee have been made by his advice and assistance, 4991——The transactions between the corporation and the dock trustees have amounted to 865,000*l.*; 4991. 4993——Explanation on some of the evidence of Mr. Bramley Moore (who was chairman of the dock trust for some years) before the Parliamentary Committee of 1851; 4992, 4993. 5131–5134.

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The corporation have frequently bought from different landowners merely as agents for the dock trustees, and when the trustees could not legally purchase, 4993——Reference to the land bought by the corporation and sold to the dock estate for the King's and Queen's Dock, constructed under the Act 25 Geo. 3; only about 1,500 *l.* of the money which passed on this occasion went into the corporation treasury, 4994-4996. 5003, 5004——Transactions between the corporation and the dock trustees relative to land for the Prince's Dock under the Act 39 Geo. 3; about 25,000 *l.* came into the treasury of the corporation, 4997-5000. 5005-5008.

Witness practised as a land surveyor in Liverpool for many years, 5001——Altogether, previously to 1824, 27,405 *l.* 8 *s.* 10 *d.* out of 98,895 *l.* 18 *s.* 11 *d.* was paid to the corporation for property of their own, 5002. 5005-5008——Purchase in 1824-25 by the dock estate from the corporation of the graving docks, Nos. 4 and 5, for 29,800 *l.*, as settled by a jury; this was a very low price, 5009-5015——Payment by the dock trustees to the corporation, according to verdict of jury, in March 1826, of 110,000 *l.* for land and premises at the north end of Prince's Dock, including the Clarence Dock; foreshore was mainly comprised in this purchase, 5015-5018. 5021. 5029.

With regard to the purchase by the dock trustees in 1819 of the Coburg Dock, witness is not cognizant of the particulars, 5019, 5020——Explanation as to the payment in 1826, according to verdict of jury, of 69,500 *l.* for corporation property at the south of Union Dock, 5022-5029——The land purchased from the corporation up to this period brought about 200,000 *l.*, and was mainly in a raw or unmade state, 5027-5029——Reference to the payment by the dock trustees to the corporation of 18,361 *l.* 13 *s.*, as awarded by a jury, under the Act 6 Geo. 4; this was entirely for built property, 5030.

Under the same Act, the 6 Geo. 4, the corporation gave to the dock trustees the reversionary interest in ground-rent, which interest was worth 21,229 *l.*, and about 4,000 *l.* worth of freehold property in possession; doubt as to there having been any return given for this reversion, 5030-5036——Reference to the sale of land and strand on the west side of Salthouse Dock, under the Act 4 Vict., for the sum of 221,853 *l.* 17 *s.*, as recited in the Act; these premises are now known as the Great Albert Docks, 5037-5042. 5057-5059——The next purchase was a negotiated one for 250,879 *l.*, the land sold extending from the Clarence Dock northwards up to Beacon's Gutter; particulars hereon, 5043-5057. 5060, 5061.

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Purchase recently by the dock trustees, for 26,313 *l.*, of land near the Prince's Dock, 5067-5069——Reference to the purchase by the dock estate from the corporation, in 1851, of the property called Nova Scotia, for 112,584 *l.*; 5070, 5071. 5097——Besides the purchases thus enumerated there have been several other small transactions between the dock trustees and the corporation, 5072.

Statement showing that from first to last the dock trustees have paid about 950,000 *l.* to the corporation, 5076-5079. 5081——Through witness the docks have spent far more in purchases from private individuals than from the corporation, 5079, 5080——Particulars as to the character of the land or strand sold by the corporation to the docks; how far its value had previously been enhanced by the operation of the docks, 5082-5088.

Considerable confidence reposed in witness by the Woods and Forests, and by important public and private bodies, 5084. 5097. 5119, 5120. 5127——About forty-five acres altogether have been given by the corporation to the dock estate, 5089——It is difficult to state the entire quantity purchased from the corporation, but it probably amounts to 300 acres, 5090 5096——Remarks in justification of witness having represented the dock trustess when he was at the same time a member of the corporation, 5097-5099.

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Approval of the maintenance of the town dues, which cannot be very oppressive whilst the trade of the port continues so to flourish and increase, 5110, 5111——Remarks

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Stockton-on-Tees. Collection at the present time of ancient petty customs at this port, *Shuttleworth* 3707–3710.

Cessation since 1834 of payments to Stockton, under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for the Tees navigation dues, *App. p.* 411. 413——Cessation since 1841 of payments in respect of claims for pilotage, *ib.* 412. 414.

Existing claim of Stockton on the consolidated duties of Customs, under the Act 59 Geo. 3, c. 54, in respect of harbour dues; the date of first payment was in 1825, *App. p.* 415——Total amount of 42 *l.* 5 *s.* claimed (in regard to town dues) on account of differential dues in the year 1855, *ib. p.* 416.

Stoke-upon-Trent. See *Iron Trade*, 4. *Potteries District.*

Street Improvements. Evidence condemnatory of the practice of the Liverpool corporation to apply the money derived from town dues to improvements in the streets, &c., rather than to harbour or shipping purposes, *Heron* 78 *et seq.* 138–156. 159, 160. 191, 192. 247–250; *Ashworth* 660. 700, 701; *Blackwell* 1487–1492; *Pearson* 1535 *et seq.*; *Lupton* 1764, 1765; *Jones* 1808; *Heelis* 1820. 1825, 1826; *Bancroft* 2376. 2432. 2477; *Livsey* 2567. 2600 *et seq.*; *Crossley* 2755 *et seq.*; *Charley* 2937–2946; *Gibb* 2986. 2994. 3004, 3005; *M'Adam* 3435–3454——Reference to a Bill, intituled "Liverpool Improvement Bill," brought before the House in 1854, whereby it was proposed to raise money upon security of the corporation property; it was thrown out, *Ashworth* 646.

Power of the dock trustees, under the Act 9 & 10 Vict., to enclose several streets which had before been dedicated to the use of the public; assistance from the corporation to the amount of about 30,000 *l.* towards making one of these streets of the proper width, &c., *Shuttleworth* 3926——Statement showing that under various Improvement Acts, from 1786 to 1837, the corporation expended 846,791 *l.* in widening and improving the streets, and forming communications to and from the docks, *ib.*——Great inconvenience to the trade and commerce of the port of Liverpool if the corporation had not expended considerable sums in improving the accesses to and from the docks, *ib.*

Explanation relative to the Improvement Bill introduced into Parliament by the corporation in 1854, and subsequently withdrawn; it contemplated more especially the opening of a new street from St. George's Hall to the Town Hall, *Shuttleworth* 3926——The corporation have now postponed, in favour of the completion of the Birkenhead Docks, improvements which are urgently required for the convenience of the trade of Liverpool, *ib.*

Inaccuracy of the assumption that the benefit of the street improvements is confined to the inhabitants of Liverpool, *Shuttleworth* 3926——Origin of another Improvement Bill introduced in the session of 1855; withdrawal of this Bill explained, *ib.*——The line of communication to the docks is even now found utterly inadequate to convey the traffic, *ib.*

Witness produces a plan, and gives explanations thereon, showing the street improvements made from time to time since 1786 by the corporation of Liverpool, *Weightman* 4937–4945——Few of the improvements are remote from the docks, and several of the improved streets are in immediate connexion with them, *ib.* 4942, 4943——This plan shows also the improvements contemplated in 1854 in connexion with the docks, *ib.* 4954.

But for the income from the dues, the corporation would not have carried out so many improvements in the town; so that without them the ratepayers would not probably have an increased rate to pay, *Stewart* 5103–5109. 5125——Approval of the application of the town dues to street improvements in connexion with the docks, rather than directly to shipping purposes, *ib.* 5112–5126——Considerable importance of the street improvements actually effected or about to be effected by the corporation, *ib.* 5125. 5127.

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Sudlow, John. Examination of Mr. Sudlow, on the part of the corporation of Liverpool, in the action, in 1833, against Bolton and others, *App. p.* 561–564. 571–573.

Sugar. Calculation that 2,836 *l.* was paid in Liverpool town dues on sugar imported in 1855, *Gibb* 2982.

Inappreciable effect of the town due on sugar, *Shand* 4957——It is not more than a farthing upon a cwt., *ib.*

Sulphur Ore. Payment at Liverpool of 3 *d.* per ton as dues on sulphur ore or pyrites imported from Ireland, *Johnson* 760–764—— Advantage in using pure Neapolitan sulphur in the alkali manufacture at Widnes on account of its paying a light town due, *Hutchinson* 934–945.

Sunderland. Collection at the present time of ancient petty customs at this port, *Shuttleworth* 3707–3710.

Swansea. Collection of ancient petty customs at this port, *Shuttleworth* 3707–3710.

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Tallow. Different alterations since 1630 in the Liverpool town dues on tallow, *Shuttleworth* 4450–4452——Reduction or composition of the due upon tallow in 1825 and 1834, *App. p.* 513, 514.

Tariffs. There is at present no official tariff published at Liverpool for regulating the collection of the town dues, *Heron* 67 *et seq.*——The collector in many cases fixed the amount of the town due, *ib.* 68. 70——Several additions to the brass plate which are now made in the printed list, *ib.* 87–89.

The tariff of the town dues is so extremely defective, that it is quite impossible, in sending out a shipment comprising several articles, to know the charge on each article, *Pearson* 1578–1590. 1623, 1624——Shippers are referred to Gore's Directory as containing the tariff, *ib.* 1584–1586——Dues are taken upon numerous articles not comprised in the tariff, *ib.* 1587, 1588——The taxation on unenumerated articles rests very much with the office clerks; but witness is not cognisant of any deviation from the charges on the tariffed articles, *ib.* 1589–1591. 1597–1599.

Improbability of the amount now levied having been levied in the time of Charles the First, or before the original grant, *Heelis* 1892–1910——The tariff not only does not comprise all the articles charged, but it is a self-imposed limit which may at any time be taken away, *ib.* 1927–1938.

Statement as to the lists of the articles chargeable in 1613, 1664, and 1790, *Shuttleworth* 4406–4420——Admitted discrepancies in the different tables of town dues, *ib.* 4436 *et seq.* 4560——Witness will procure for the Committee returns of the earlier tariffs of town dues, *ib.* 4557–4561——Probable explanation in regard to discrepancies in some of the tables, *ib.* 4928. 4930. 4932, 4933.

Table of town's custom and hallage, dated 13 December 1613, *App. p.* 687.

Table of town's customs and hallage, dated 1674, *App. p.* 687, 688.

Further table (not dated) of Liverpool town duties, inwards and outwards, *App. p.* 688, 689.

Copy of book of rates made out about the year 1790, *App. p.* 689–691.

Copy of rates made out by the late William Crosbie, about the year 1802 or 1803, *App. p.* 691–694.

Copy of book of rates made out about the year 1827, *App. p.* 695–698.

List of town dues received in 1854, being a copy of the list delivered to the Shipping Dues Commissioners, *App. p.* 698–702.

See also *Ad Valorem Dues. Arbitrary Character of Town Dues. Brass Plate (Town Dues). Inequality. New Articles.*

Taxation. Definition of the town dues of Liverpool as taxation and not property, *Bancroft* 2509–2511.——*See* also *Title to Town Dues.*

Tea. Calculation that 1,490 *l.* was paid as town dues to Liverpool on tea imported in 1855, *Gibb* 2982.

Timber. Statement as to the disadvantage to a non-freeman of Manchester, &c., as compared with a freeman of Liverpool, in the matter of imported timber, upon which however the Liverpool town dues are very light, *Heron* 152–155. 235–239.

Witness is partner in the firm of Morrisey & Chives, timber merchants at St. John's, New Brunswick, *Morrisey* 1295–1299——The firm paid upwards of 200 *l.* last year in town dues at Liverpool, *ib.* 1306——The town due is about two and a half per cent. upon the invoice cost of the timber at St. John's, *ib.* 1313——The charges on timber imported into

Report, 1856—*continued.*

Timber—continued.

into London is higher than at Liverpool, *Morrisey* 1326, 1327. 1340–1342——Witness's trade has of late slightly increased, *ib.* 1350——The principal part of the timber exported by witness goes to Liverpool, *ib.* 1355, 1356.

The lumber trade, and the trade of Liverpool generally, has increased very considerably, *Fernie* 1382–1384——The great improvement in the docks is to a great extent for the purpose of accommodating the lumber or timber trade, *ib.* 1385, 1386.

Tin, Duties on. Compensation provided in the Act 1 & 2 Vict. c. 120, abolishing duties payable on the coinage of tin in the counties of Devon and Cornwall, *Shuttleworth* 4035–4037.

Tinmouth. Cessation since 1840 of payments to Tinmouth, under the Act 59 Geo. 3, c. 54, in respect of claims on the consolidated duties of Customs for local dues, *App. p.* 411. 413——Cessation since 1841 of payments in respect of claims for light, *ib.*

Title to Town Dues:

I. *Statement opposed to the Title set up by the Corporation of Liverpool:*

1. Exceptions taken on General Grounds.
2. Exceptions in regard to the Area claimed.

II. *Statement on the part of the Corporation:*

1. Documentary Evidence in Development of Title.
2. Other Evidence as to the Area claimed, and the Title generally.

I. *Statement opposed to the Title set up by the Corporation of Liverpool:*

1. Exceptions taken on General Grounds:

Sundry answers to the Shipping Dues Commissioners in 1854 adverted to, as showing the title under which the dues are levied, *Heron* 20-22——Former right of the Molyneux family to the dues, *ib.* 22 24——Liverpool was only one of about 1,000 manors conveyed to the corporation of the city of London by Charles the First, for 384,000 *l.*, *ib.* 22 ——Title by prescription set up by the corporation in 1691, in their action with the freemen of Lancaster, and in 1695 with the freemen of London, *ib.* 24–30. 39——The title alleged under the Molyneux family was never referred to in the actions of 1691 and 1695, *ib.* 39——Practice previously to 1833 to rest the title on prescription, *ib.* 39, 40 ——The title was claimed under the purchase from Lord Molyneux in the action of 1833, *ib.* 40.

Grounds for the opinion that the consideration for the dues was the formation and maintenance of the port, *Heron* 89 *et seq.*, 161 *et seq.*; *Heelis* 1851–1854. 1865–1876. 1917–1926——Witness is not aware of any Bill or Act that confirms the corporation in the possession of the town dues, *Ashworth* 642——If the corporation had not (as alleged by them) purchased the right to the town dues from the Molyneux family, it is very unlikely that the latter would have now been allowed to levy the dues, *ib.* 702–704—— Evidence to the effect that the town dues are unconstitutional and incompatible with the principle of taxation, and that the Crown could not have granted the power claimed, *Heelis* 1833, 1834. 1880–1891. 1922–1926. 1939–1954; *Bancroft* 2315 *et seq.*, 2432 *et seq.*; *Livsey* 2609. 2674.

If the question were free from the difficulties cast around it from time to time by legislation, it could not be successfully maintained by the corporation in a court of law, *Heelis* 1831 *et seq.*——Grounds for the statement that the question of title to the dues has been much embarrassed by Acts of Parliament relative to the port of Liverpool, *ib.* 1836–1859——Reason for the badness of the title being only mooted of late years, *ib.* 1846——Opinion that identity and continuity are necessary, as regards the rates charged; else the right to the dues is vitiated, *ib.* 1906–1922——Witness has carefully read the grants and leases bearing upon the title of the town dues, and contends that the claim of the corporation is not sound, *Bancroft* 2275 *et seq.*

Inference unfavourable to the title, in its being referred to such a reign as that of Charles the First, *Livsey* 2609——The Mersey cannot be considered the property of the corporation of Liverpool, *ib.* 2631—— Respect in which it may be said that the present corporation has got the property under Act of Parliament. *ib.* 2693-2703—— Opinion that the dues cannot be dealt with in the light of ordinary property *Gibb* 2987–3012——Witness cannot argue on the supposition that the corporation have a prescriptive right to the dues, *ib.* 2987–2993. 3016, 3017.

With regard to the title to the dues, witness refers to the litigation, in 1555, between the Molyneux family and the corporation, and infers from the wording of the suit, and of the judgment given thereon in favour of the Molyneux family, that the corporation had no right or title to the subject-matter of the grant of the Crown, *Part* 3566–3587 —— Lease of the tolls taken by the corporation in 1555, from year

Report, 1856—*continued.*

TITLE TO TOWN DUES—continued.

I. *Statement opposed to the Title, &c.*—continued.

1. Exceptions taken on General Grounds—*continued.*

to year, until 1672, when the lease was for 1,000 years, *Part* 3588, 3589. 3623-3625 ——The first trace of any claim by the corporation to levy dues is in 1672, *ib.* 3623.

2. Exceptions in regard to the Area claimed:

The area over which the corporation of Liverpool claim to levy dues is the extent of the Customs port; this area explained, *Heron* 47-51——The Customs port was established in 1680, under a commission granted by the Crown, *ib.* 52 ——Terms in which the manor or port of Liverpool was in 1628 granted to the corporation of London, and subsequently transferred to the Molyneux family, and by them to the corporation of Liverpool, *ib.* 53-56——Exceedingly confined extent of the town and lordship, *ib.* 57-61.

The corporation levy dues over the whole of the Customs port, instead of only over the town and lordship; belief as to the illegality of this proceeding, *Sinclair* 581 *et seq.*——Reference to the grant from King Charles to the corporation of London, under which the corporation of Liverpool claim the town dues, *ib.* 581——Witness maintains that the claim of the corporation to levy the dues arbitrarily and without limit, is not legal, nor reconcilable with common law, *Heelis* 1830 *et seq.*——Modern existence of the present port of Liverpool adverted to with reference to the original grant of the dues, *ib.* 1907-1909. 1945-1948.

Belief that the right to the dues is limited to the town or lordship of Liverpool, *Bancroft* 2275 *et seq.*——Words of the first grant, which was in 1629, from Charles the First to the corporation of London, *ib.* 2275 —— Conveyance in 1635 by the corporation of London to the Molyneux family of the lordship of Liverpool and the customs, tolls, &c., as mentioned in the grant of 1629, *ib.* —— Leases in 1672 and 1700, whereby the Molyneux family conveyed their interest to the corporation of Liverpool for 1,000 years, *ib.* ——Indentures in 1777, whereby the reversion of all the premises, &c., purchased by the Molyneux family, is conveyed to Liverpool, *ib.*——Consideration of the tenure of Sir Richard Molyneux as originally granted by Charles the First to the corporation of London; sundry leases from the Crown adverted to hereon, *ib.* 2275-2284.

Limit within which, according to the grants and leases referred to, the corporation are, or ought to be, confined in their right to levy dues; such limit is considerably smaller than the present Parliamentary borough, *Bancroft* 2277-2287——Limits within which the dues are, in fact, levied; they extend not only beyond the limits of the town and lordship, but beyond the waters of the Mersey, *ib.* 2280. 2289. 2294-2303——The limits now acted upon were first derived in 1680 from the arrangement of the Customs port, *ib.* 2295-2301——The soil on the Cheshire shore was never in the Liverpool corporation at all, *ib.* 2302-2304——Witness does not dispute the legality of the dues to the extent of their original limit, *ib.* 2442-2447. 2495, 2496. 2518-2520——Power, according to the present practice of the corporation, to extend the dues accordingly as the port may be extended by the Admiralty, *ib.* 2492-2494.

Boundaries of Liverpool, as appointed by the Commission of 1680, *Blundell* 2807, 2808——Witness contends that the limits under the Commission of 1680 were defined for fiscal purposes only, *ib.* 2808-2814. 2827——Grounds for the belief that the claim to dock as well as town dues refers merely to the waters of the Mersey, *ib.* 2808-2826 ——Question as to the proper definition of the words, "limits of the said port seawards," as found in section 101 of the Dock Act of 4 Vict. c. 30, *ib.* 2815-2826—— Absence of authority in the Commission of 1680 to extend the limits beyond those laid down in the grant of Charles the First in 1628, *ib.* 2828-2833.

Understanding that the claim of the corporation to the dues is limited to low water-mark, *Schneider* 3470. 3477. 3488. 3501, 3502——Statement as to the whole of the strand, with reference to which the dues were, as witness considered, limited, being now built over by the docks, *ib.* 3477, 3478.

Recital in the lease or grant of 1672 of the original lease from the Crown to Sir Richard Molyneux, *Part* 3590——Grant of 1688 to the citizens of London adverted to, with reference to the actual parcels and rights involved therein, *ib.* 3591 ——Argument founded on the words of the grant, that it could not have included rights or dues over the Cheshire side of the Mersey, *ib.* 3591-3596——Argument to the same effect, as founded upon the previous actual tenure of Sir Richard Molyneux, which alone was comprised in the grant, *ib.* 3597.

Witness, in fact, maintains that the right of the corporation was limited to the township and lordship of Liverpool, and the waters down to low water-mark, opposite to and co-extensive with the town, *Part* 3597-3603——Mention of other rights than those of the corporation within the limits claimed by the corporation, as inconsistent with such limits, *ib.* 3617-3619——The boundaries within which town dues are claimed are coincident with the limits of the Customs port, which was not erected till 1660, *ib.* 3621, 3622.

II. *Statement*

Report, 1856—*continued.*

Title to Town Dues—continued.

II. *Statement on the part of the Corporation:*

1. Documentary Evidence in Development of Title.

The title of the corporation to the dues having been impugned before the Committee, and in pamphlets circulated on the subject, witness is prepared to show the origin of the dues from books and documents of authority, and to bring down the title of the corporation from the earliest times to the present, *Shuttleworth* 3697–3704.

Witness has collated and examined the copies of ancient charters, grants, and leases, about to be produced by Mr. Shuttleworth, and obtained from the Duchy of Lancaster office; has also made the translations, *Hardy* 3715.

Witness delivers in the documents referred to (*App. p.* 421–471), and gives sundry explanations thereon, *Shuttleworth* 3716 *et seq.*——The first document produced is an extract from Doomsday Book, showing that the land, now the site of Liverpool, was *terra regis*; *Shuttleworth* 3716, and *App. p.* 421 —— Documents, dated 28 August 1207, showing that at the time of Henry the Second Liverpool belonged to the king, *ib.* —— Charter of liberties to the burgesses of Liverpool, dated 24 March 1229, as granted by Henry the Third, *Shuttleworth* 3719, and *App. p.* 421, 422——Lease of the town to the burgesses granted on the same day as the preceding charter, *Shuttleworth* 3720, and *App. p.* 422——Other leases and grants in the reign of Henry the Third, *Shuttleworth* 3721–3728, and *App. p.* 422–424.

Documents in the reign of Edward the Third; lease of the town of Liverpool, with all the profits of the same, to William Fitz Adam, of Liverpool, and others, *Shuttleworth* 3729–3735, and *App. p.* 425–427—— Lease of the lands and profits of the town by John of Gaunt to Thomas de la More and others, dated 10 August 1394, *Shuttleworth* 3736–3739, and *App. p.* 427, 428——Sundry other documents (*App. p.* 428 *et seq.*) adverted to, and explanations thereon, *Shuttleworth* 3739 *et seq.*

Witness delivers in the pleadings in the suit instituted by Sir William Molyneux against the corporation in 1555, with reference to the dues and other profits and charges of the town of Liverpool, *Shuttleworth* 3757, 3758, and *App. p.* 433–447——Reference to a commission from Henry the Eighth to Sir William Molyneux and others, dated 20 June 1514, to inquire as to the tolls and customs of all merchandise bought or sold at Liverpool, *Shuttleworth* 3755, 3756, and *App. p.* 432, 433——Decree in this suit that the corporation had no title, but that the dues, &c., appertained to the Crown, and were then in the Molyneux family under lease; an injunction was also granted to restrain the corporation from intermeddling further in the matter, *Shuttleworth* 3759–3761, and *App. p.* 448–452——The corporation having eventually purchased the right of the Molyneux family, became possessed of all that had been decreed to be in the Crown and in the family, *Shuttleworth* 3761.

Witness purposes to show that the Molyneux family had the property before the suit of 1555, as well as in the years 1586 and 1604, *Shuttleworth* 3762–3764——About this period there were several disputes between the Molyneuxes and the corporation, *ib.* 3764——Reference to a lease for forty-one years from the Crown to Sir Richard Molyneux, dated 10 May 1604, *Shuttleworth* 3764–3767, and *App. p.* 452, 453.

Reference to the grant of Charles the First to the City of London, dated 9 September 1628; it recites certain loans from the citizens of London to James the First and to himself, and, in consideration thereof, conveys to the corporation of London, amongst other estates and properties, the town and lordship of Liverpool, together with sundry rights and customs appertaining thereto, *Shuttleworth* 3768–3771, and *App. p.* 453–455—— The citizens of London subsequently sold the lordship of Liverpool to the Molyneux family, *Shuttleworth* 3772——And in 1672, the Molyneux family granted a lease of the property to the corporation of Liverpool for 1,000 years, at a rent of 30 *l.*, reserving the burgages and the passage of the Mersey, *ib.*——In 1777 the corporation purchased from Lord Molyneux his reversion expectant on the determination of the lease, paying 2,250 *l.* for the reversion and the rent, *ib.* 3772–3774.

The deed of 1777 conveys to the corporation the rights and interests of Lord Molyneux in the fullest possible manner, *Shuttleworth* 3774——There is no record of any lease between 1557 and 1672, *ib.* 3776——The Molyneux family did not probably retain entire possession throughout the civil war; entry in the records of the corporation of Liverpool adverted to hereon, *ib.* 3777——Witness produces several mandates in the years respectively 1327, 1333, 1335, 1356, and 1361, bearing upon the question of the port and town of Liverpool, *ib.* 3786–3791, and *App. p.* 458–461.

Entry in the records of the corporation in 1567 adverted to as showing that the corporation were then exercising jurisdiction over the water, *Shuttleworth* 3799, 3800, and *App. p.* 462——Sundry other entries in 1567 and subsequent years, showing that customs were levied on ships at different parts of the Mersey, away from Liverpool, *Shuttleworth* 3801–3807, *App. p.* 462, 463—— Reference to an entry in 1671 describing the boundaries of the town and port of Liverpool, *Shuttleworth* 3810–3814, and *App. p.* 463——The earliest receipt from town dues was in 1571; extracts from the corpo-

TITLE TO TOWN DUES—continued.

II. *Statement on the part of the Corporation*—continued.

1. Documentary Evidence in Development of Title—*continued.*

ration records hereon, showing the receipts, ingate and outgate, *Shuttleworth* 3819-3823, and *App. p.* 464-467.

The corporation are indebted to the late Mr. Okill, formerly an officer of their body, for the development of the title, *Shuttleworth* 3886. 4266-4268.

Reference to several deeds of ancient date in the possession of the solicitor of Lord Sefton, as showing that the dues, or the rent from the dues, were dealt with by the Molyneux family entirely as private property, *Shuttleworth* 3889-3892.

With reference to former evidence (Q. 3811), witness explains that, though the lease from the Molyneux family did not commence till 1672, there was an agreement in 1671 for the lease by which the corporation was then in possession, *Shuttleworth* 3900——Lease from Henry the Eighth to Thomas Holcroft, dated 20 February 1537 (*App. p.* 474); it recites the town and lordship of Liverpool, together with certain tolls, customs, and anchorage, *ib.*——This lease was subsequently assigned, by Mr. Thomas Holcroft, to Sir William Molyneux, *ib.*——Sub-leases were afterwards granted, by Sir William Molyneux, of one moiety to the corporation of Liverpool, and of the other moiety to Edmund Gee, of Chester; these sub-leases, which expired in 1554, will be produced by Mr. Stanistreet, *ib.* 3900, 3901——Reference to a lease for forty-one years, in 1555, granted by King Philip & Queen Mary to Sir Richard Molyneux and William Molyneux, comprising the lordship of Liverpool, the ferry boat and passage of the Mersey, and certain tolls, anchorage, &c., *Shuttleworth* 3901, and *App. p.* 474, 475.

Witness produces an original lease, dated 15th March 1530, and delivers in a copy thereof, between Henry Accres, of Derby, on the one part, and certain of the burgesses of Liverpool; sundry customs, tolls, &c., recited therein, *Stainstreet* 3904, 3905, and *App. p.* 476——Also produces a lease in 1539, by Sir William Molyneux to the corporation of Liverpool, of a moiety of certain premises, tolls, customs, &c., previously leased by Thomas Holcroft to Sir William Molyneux, *Stanistreet* 3905, and *App. p.* 476, 477——Also a lease, in 1546, to Edmund Gee, of the other moiety of the premises, customs, and anchorage, &c., rented in the lease from Thomas Holcroft, *Stanistreet* 3905, and *App. p.* 477, 478.

Receipt from the receiver of the Duchy of Lancaster, in the sixth year of the reign of Edward the Sixth, for half a year's rent, due and payable by Richard Molyneux, *Stanistreet* 3905, and *App. p.* 478——Lease from Sir Richard Molyneux and William Molyneux to the corporation of Liverpool, dated 7th October 1557; it is a lease for one year, and from thence from year to year, of the town and borough of Liverpool, and of certain rights previously granted to the Molyneux family, *Stanistreet* 3905, and *App. p.* 478, 479——Reference to an abstract of a deed (much mutilated), dated 4 December 1635, being a bargain and sale between the corporation of Liverpool and other parties, in consideration of a rent of 14 *l.* 6 *s.* 8 *d.*, *Stanistreet* 3905, and *App. p.* 479. 480.

Reference to a deed (which witness reads to the Committee) dated 8 May 1566, showing that the dues were dealt with by the Molyneux family under trust, for the purpose of forming marriage portions, *Stanistreet* 3905, 3906, and *App. p.* 480, 481——In all the documents of the Molyneux family which witness has examined, the tolls and customs mentioned therein appear to have been dealt with as private property, not subject to any kind of trust for public purposes, *Stanistreet* 3906——Abstract of a jointure deed, dated 19 and 20 September 1654, showing that the rent for the dues was dealt with as part of the family estates, *Stanistreet* 3906, and *App. p.* 481, 482.

Witness delivers in an abstract of articles of agreement, dated 20 March 1671, whereby Lord Molyneux and his son Richard Molyneux, agree to execute a lease for 1,000 years to the corporation of Liverpool, *Stanistreet* 3906 and *App. p.* 482——From the foregoing date it appears that the corporation were in equity the owners of the premises, &c. comprised in the lease, which was executed in the following year, *Stanistreet* 3906.

Copy of the lease from the Molyneux family to the corporation on 27 May 1672, *App. p.* 482, 483.

Copy of document dated 3 and 4 February 1777, whereby, for the sum of 2,250 *l.*, the reversion of the premises and rights recited in former grants and leases is sold to the corporation, *App. p.* 483-486.

Witness delivers in the lease from Henry the Eighth to the Molyneux family, in 1545, upon the surrender of a former lease granted to Thomas Holcroft, *Shuttleworth* 3909, and *App. p.* 486, 487——Also an account in 1553, showing that a rent of 14 *l.* 6 *s.* 8 *d.* was paid to the Duchy of Lancaster by Richard Molyneux for the farm of the town of Liverpool, *Shuttleworth* 3909, and *App. p.* 488——Also a lease dated 28 October 1586, whereby Sir Richard Molyneux surrendered the lease granted in 1555 by Philip & Mary, and a new lease is granted for thirty-one years at the same rent of 14 *l.* 6 *s.* 8 *d.*, *Shuttleworth* 3909, and *App. p.* 489, 490——Also sundry extracts from the steward's accounts of the Molyneux family from the year 1581 to the year 1685, accounting for the rents; these

Report, 1856—*continued.*

Title to Town Dues—continued.

II. *Statement on the part of the Corporation*—continued.

1. Documentary Evidence in Development of Title—*continued.*

these have been examined with the originals by Mr. Hardy, *Shuttleworth* 3909, and *App. p.* 490–503——The original grant from Charles the First has not been put in, the deeds being of very great length, *Shuttleworth* 3911.

Witness explains an entry on the Close Roll in about the fortieth year of the reign of Edward the Third, relative to the prisage on wines landed at the port of Liverpool; nothing is said as to the ownership of the port, *Hardy* 5154–5157——Witness reads and delivers in the entry in question, *Hardy* 5155, and *App. p.* 702, 703.

2. Other Evidence as to the Area claimed, and the Title generally:

Witness contends that the grant of Charles the First conveyed the port as well as the Lordship, *Shuttleworth* 3785. 3798 *et seq.*——Entry in the records of corporation in 1571 quoted as referring to vessels passing the town and port of Liverpool, *ib.* 3801–3803——This entry in 1671 was the year before the commencement of the lease from the Molyneux family for 1,000 years, *ib.* 3811, 3812——A "town's customer," or receiver of customs, &c., was first appointed at Liverpool in 1571; his duties, *ib.* 3824, 3825——Reasons for the corporation resting their title upon prescription during the time that they were lessees under the Molyneux family, *ib.* 3887——Grounds for concluding that the Commission of Charles the Second for defining the boundaries of customs ports did not extend the limits of the port of Liverpool, *ib.* 3895, 3896.

Definition in the third clause of the Act of the 8th of Queen Anne of the limits of the port of Liverpool, *Shuttleworth* 3913, 3914——With reference to the record in 1671 of the boundaries of Liverpool, witness infers that the same was most probably the result of the agreement entered into in that year for the purchase of the lease from the Molyneux family, *ib.* 3930. 4201——Explanation as to the customs port in 1658 and 1660; limits of the port as laid down in 1658 by Mr. Sandford, surveyor-general of customs, and by other customs authorities in 1660, and also as shown by entries which witness reads from the records of the corporation, *ib.* 3931, 3932——The boundaries as thus laid down further cited, *ib.* 3931.

Further statement and examination thereon as to the limits within which the corporation claim to levy dues, *Shuttleworth* 4055–4057. 4080–4085. 4088 *et seq.*

Examination with reference especially to the words "the town and lordship of Liverpool, parcel of the honor of Lancaster, with every of their rights, members and appurtenances," as contained in the original grant from Charles the First; argument that, as explained by usage, the term "lordship" comprises the port, *Shuttleworth* 4088 *et seq.*——Doubt as to the construction to be placed on the term "lordship" if interpreted apart from the other words of the deed, *ib.* 4102–4109. 4127–4155——Reference to the reversion of the property to the corporation with respect to the meaning of the term "town or borough;" doubt as to the word "borough" occurring in the original deed at all, *ib.* 4106, 4107. 4155, 4156——Reluctance of witness to attempt a definition of any word used in the deed taken separately, or to tie the corporation to his personal opinion, *ib.* 4151. 4167. 4175.

Question as to the area comprised under the terms "passage over the water of Mersey there," as contained in the grant from Charles the First; opinion that the word "there" does not limit the right to the lordship exclusive of the appurtenances, *Shuttleworth* 4162–4174——Evidence on which witness rests the statement that the port of Liverpool anciently extended to the limits now contended for, *ib.* 4177 *et seq.*——Reference to the entries in the ancient records of the corporation as matters of fair presumption, though not strict legal evidence, in support of the present claim of the corporation, *ib.* 4190–4199. 4235–4238——Question as to any extant evidence assigning the limits previously to the original grant, and assigning them in accordance with the claim by user, *ib.* 4201 *et seq.*

With regard to the limits of the port as established for Customs, the same does not affect to define the ancient limits over which the corporation claim, *Shuttleworth* 4226–4232. 4249——Further reference to the regulations laid down by the Surveyor-general of Customs in 1658, relative to the limits of the Customs port, *ib.* 4241–4255——Reference to a document delivered in by witness (*App. p.* 461), and dated 1361, containing the the words, "the port of Liverpool and Chester, and the other ports interjacent," *ib.* 4256–4260——The right to arrest is coincident with the limits of the port, *ib.* 4275–4280.

Explanation that the word "borough" does not occur in the original deed of conveyance of the reversion to the corporation, *Shuttleworth* 4280——Reference to three leases in the reign of Edward the Fourth (*App. p.* 430); doubt as to the inference therefrom that the "town" and "lordship" is the same thing, *ib.* 4283–4293——Reference to the circumstance of one of the earlier Dock Acts, mentioning the corporation as owners of the port, *ib.* 4328–4330——Ancient documents which mention the "port" of Liverpool further

Report, 1856—*continued.*

Title to Town Dues—continued.

II. *Statement on the part of the Corporation*—coutinued.

2. Other Evidence as to the Area claimed, and the Title generally—*continued.*

adverted to, *Shuttleworth* 4342–4344——The right to create petty customs was probably created when the port was created, *ib.* 4380–4389.

It cannot be said that the corporation have been unwilling to produce their title, *Shuttleworth* 4481.

Examination relative to entries in the books of the corporation in 1567, 1571, and 1572, containing directions for taking dues; real object and authority of these entries considered, *Shuttleworth* 4562–4592. 4596. 4603–4608——Reference to an entry in 1571 with respect to merchandise passing the town and port, *ib.* 4576–4579——Unwillingness of witness to suppose that entries were made for the purpose of manufacturing evidence of prescriptive right to the dues, *ib.* 4587–4592. 4649——Entries in the books in 1664 and 1666, whilst the corporation were still lessees under the Molyneux family, and in 1714; object of these entries considered, *ib.* 4631–4635. 4642–4651——Belief that in the proceedings against the freemen of Lancaster and London, the corporation laid claim to the port, *ib.* 4652–4662.

Belief that the corporation are entitled to the dues, *Shand* 4961–4963; *Stewart* 5114–5117.

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ON

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